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OFFICIAL WEEK IN REVIEW

April 23.—**P**RESIDENT Garcia, fully recuperated from a bad cold yesterday, went boating this day aboard the presidential launch, *The Chief*, with the members of his family.

Malacañang said the President went sailing up and down the Pasig River from the presidential landing. He went sailing to catch the breeze and shake off the cold which plagued him yesterday.

This morning the President and the First Lady heard mass at the Malacañang chapel. After the mass the President had breakfast with his family.

Then he played billiards with his aides, as he could not go to the golf course for his week-end sport.

After lunch the President stayed in his bedroom where he went over pending state papers. The President wanted to finish action on pending state papers before he goes to Baguio City sometime this week.

Some 1,500 land patents have been released by the Bureau of Lands in Isabela by order of President Garcia.

The President, in another directive, also ordered release for agricultural development of several settlement sites in Isabela, totalling 5,000 hectares of former forest lands, in order to meet the increasing demand for homesteads and hasten the development of the province.

Implementation of the twin directives which emphasized the President's concern for the welfare of the barrio people, was effected by the presidential committee headed by PCAFE Vice-Chairman Max Maceren and Malacañang Technical Assistant Sergio Tocaó and composed of representatives of various government agencies charged with the task of helping the barrio people.

April 24.—**P**RESIDENT Garcia today went over pending state papers with Executive Secretary Natalio P. Castillo.

The President, who was to open the 54th convention of the Philippine Medical Association and the second general assembly of the Confederation of Medical Associations in Asia and Oceania at the University of the Philippines in Diliman, sent Health Secretary Elpidio Valencia to represent him at the U. P.

The President was unable to fulfill his speaking engagement owing to hoarseness caused by cold caught during the weekend. Dr. Antonio Guytingco, the President's personal physician, said the President's cold today was not as bad as yesterday. He said the President has no more fever.

In the afternoon the President received Rose Coyle and Mrs. Helen Dineen, former director of nurses and director of social services, respectively, of the Margaret Hague Maternity Hospital in Jersey City, New Jersey.

The visiting American nurses paid their respects to the President in the course of their brief stopover in Manila enroute home after attending the International Congress of Nurses in Sydney, Australia.

They were accompanied to Malacañang by some 30 Filipino nurses who trained at the Hague Maternity Hospital; among them, Paula Calayan, Virginia Atienza, Lourdes Nepomuceno, and Fortunata Coronel.

April 25.—**T**HIS morning the President conferred upon Gonzalo Puyat and Toribio Teodoro the Philippine Legion of Honor with the rank of Commander for "meritorious and praise worthy achievements which have in large measure enriched the economic heritage of the nation and enhanced those native virtues essential for the continued advancement of the Filipino race."

The President also awarded posthumously the Philippine Legion of Honor, with the rank of Commander, to Col. Ole C. Waloe for his substantial contributions to the furtherance of Philippine security in exterminating outlaws in Samar and Leyte, and in pacifying warring tribes in Surigao, thereby enhancing the prestige of the Philippine Constabulary from 1902 to 1924.

The awards were given at the Malacañang ceremonial hall in the presence of high-ranking government officials, PC officers, close friends, and relatives of the recipients. The President was assisted by Executive Secretary Natalio P. Castillo and Minister Manuel Zamora, Malacañang protocol officer.

The first to receive the award was Mr. Puyat, who was cited for his success in lifting himself from poverty through hard work, frugality, and perseverance and ultimately earning for himself a position in the front rank of the nation's business executives and industrialists.

Mr. Teodoro was cited for his outstanding contribution to Philippine economic development; his admirable record in rising from humble beginnings as an artisan engaged in making slippers by hand, thenceforth to become the foremost leader in the manufacture of slippers and shoes; his rare business acumen enhanced by personal virtues of thrift, honesty, and love of work; his sincere concern for the welfare of his employees; his progressive outlook as businessman and industrialist; and finally his exemplary activities as civic leader, philanthropist, and model citizen.

The award for Col. Waloe was received by his widow, Mrs. Anna Waloe, a resident of Los Angeles, California, who arrived last March for the purpose.

Officers who served under Col. Waloe and friends, among them Col. Eugenio Acab, PC deputy chief; Col. Flaviano Olivares, J-1; Col. Santiago Concepcion, C-1; Gen. Ramon Enriquez (Ret.); Cols. Elias Dioquino and Roman T. Salacup (both retired); and former Secretary and Mrs. Pablo Lorenzo, were present at the Malacañang ceremony.

As one of the pioneer American Constabulary officers sent to suppress banditry and lawlessness in the provinces of Samar, Leyte, and the Sulu Archipelago, Colonel Waloe, then a lieutenant in the Philippine Constabulary, demonstrated outstanding courage, enthusiasm, and great devotion to duty. After his initial campaign in Samar in 1902, he organized a vigilant citizen force to cope with the unconventional tactics of the lawless elements. Under his able leadership and with the support of a few soldiers, his citizen force successfully exterminated the outlaws in Samar and Leyte.

After conferring the awards, President Garcia received Emilio Aguinaldo, Jr., who presented the donation papers for 50 hectares of land in barrio Lumil, Silang, Cavite, for use as site of the II Military Area Headquarters.

The President commended Aguinaldo for his donation and then directed Defense Secretary Alejo Santos to build a road passing through the land to shorten the distance from Manila to Tagaytay from 60 to 47 kilometers. The road will pass through barrio Balibago in Sto. Domingo and Sta. Rosa, connecting with the super-highway.

The President also received pledges of support from Mayors Sofronio Carmona of San Carlos City, Romulo Golez of Silay City, and Quintin Katalbas of Sagay. All the three mayors are from Negros Occidental.

This evening the President received Washington State Senator Reuben Knoblack, who is leaving Wednesday after a nine-day visit with his Filipino wartime friends.

Washington lawmaker, who saw action in the Leyte landing and later on in Luzon as a staff sergeant, expressed admiration for the country's quick recovery from the effects of the last war and for its determined stand in the preservation of democracy.

Senator Knoblack was accompanied to Malacañang by his hosts, Mr. and Mrs. Pastor de Guzman, Jr.

The President also received Hussain Mahamed Osman, charge d'affaires, and Nordin Ariffin of the legation of the Federation of Malaya, who presented him with a commemorative pictorial album of his last state visit to Kuala Lumpur.

Other evening callers were Consul Leon T. Garcia, who requested aid for the transfer of some 100 families from barrio San Miguel, Calumpit, to the other and safer side of the Arnedo dike; and Sen. Alejandro Almendras, who paid a social call on the Chief Executive.

April 26.—**P**RESIDENT Garcia today called Secretary Dominador Aytona to Malacañang to discuss the peso financing of the extension of the railroad lines to the Cagayan Valley and Sorsogon.

The President expressed his desire that the project be started as soon as possible in view of the clamor of the people of northern Luzon and Sorsogon.

The extension of the railroad lines will accelerate the economic development of both regions, which is one of the main concerns of the Administration, President Garcia stated.

The President also received Sen. Pedro Sabido and Rep. Jose Leido of Mindoro Oriental with whom he took up local problems.

In the afternoon the President received delegates to the Government Prosecutors League convention, at cocktails in Malacañang.

President Garcia created today a legislative-executive committee to devise ways and means to arrest the spiralling prices of prime commodities.

The committee was created during the regular weekly Cabinet meeting in which the current trend of prices of commodities which keep soaring was discussed intensively.

Named to the committee were Commerce Secretary Manuel Lim, Finance Secretary Dominador Aytona, and National Economic Council Chairman Jose C. Locsin.

Invited to join the committee were Sens. Gil Puyat, Pedro Sabido, and Cipriano Primicias, and Reps. Jose Roy, Vicente Peralta, and Ramon Durano.

The committee will meet today to elect its chairman and to start work. The President asked the committee to report to him on Monday.

The President also asked Secretary Lim to study means of flooding the market with prime commodities through the National Marketing Corporation.

During the Cabinet meeting, the President reiterated his directives for the Departments of Commerce and of National Defense to enforce strictly the price control law now that the re-requirements for the publication of the price lists have already been met.

President Garcia also directed Budget Commissioner Faustino Sy-Changco to take all the necessary steps to implement a previous verbal directive to pay the salaries of school teachers twice a month not later than July this year.

The President pointed out that teachers, especially those in rural areas, are two or three months behind in receiving their pay. He said the situation should be remedied immediately.

The Cabinet also discussed ways of remedying the imbalance of monetary circulation between the urban areas and the outlying districts. It has been observed that money supply is plentiful in centers of populations and scarce in the provinces.

The President took up with the Cabinet members ways and means to remedy this imbalance which accounted for the high prices of commodities.

The President presided over the regular weekly meeting of his Cabinet after the cocktail party.

In the evening the President was guest speaker at the inauguration and induction of the San Juan Chamber of Commerce.

President Garcia urged all government prosecutors to press the drive relentlessly against venalities in the public service in connection with his all-out drive against graft and corruption in the government.

In his brief talks with Chief Prosecuting Attorney Baldomero M. Villamor, president of the Government Prosecutors' League, at the Malacañang Social Hall, the President expressed gratification over the success of the

drive which, he said, should serve as a warning against dishonest public servants.

The President and the First Lady this afternoon received the GPL members at cocktails on the opening day of their four-day conference being held at the Philippine General Hospital Science Hall on Taft Avenue.

The government prosecutors were accompanied by Justice Secretary Alejo Mabanag, Undersecretary Enrique Fernandez, Solicitor General Edilberto Barot, Villamor, and the other officers of the league.

This afternoon President Garcia directed Justice Buenaventura Ocampo, PCAPE chairman, to conduct a formal investigation of alleged abuses committed against inmates of the Correctional Institution for Women in Mandaluyong, Rizal, reportedly by male employees of the institution.

The Chief Executive issued the directive through Executive Secretary Natalio P. Castillo, who briefed the President on the existence of the irregularity late this afternoon.

Preliminary PCAPE findings reveal that some 14 inmates of the CIW were found to be in the family way according to the 1960-1961 record of the institution's infirmary. Out of the 14, three reportedly became pregnant while serving their sentence.

The President, irked by the report said that he wants an immediate and thorough investigation of the alleged "highly immoral" acts of the employees. He ordered that if evidence warrants it, the proper government agency must file not only administrative charges against these persons but criminal charges as well, to serve as an example to officials and employees who are taking advantage of their position to molest other persons under them.

The complaint reaching the PCAPE and signed by the father of one of the alleged victims requested that the matter be looked into to protect the inmates, who because of their situation, are allegedly being taken advantage of by these persons.

The complainant said that one of the abusers is a "very close" relative of a top official of the institution, and for this reason, the victims themselves could not file the complaint openly for fear of reprisal from the CIW official concerned.

Justice Ocampo, upon receiving the complaint this morning, dispatched immediately Attorneys Rodolfo Ocampo and German Fernando, special PCAPE investigators, to conduct a spot check, to verify the reliability of the complaint.

The complaint also informed the PCAPE that female prisoners are assigned to private quarters of prison officials to work as helpers or laundry women where they are at times abused or left to the mercy of these officials or the immediate members of their family.

This evening President Garcia pledged anew the continuing fight for economic emancipation as the goal of the Nacionalista Party.

Discarding a prepared policy speech owing to a sore throat, the President reiterated this policy at the inauguration and induction of the officers of the San Juan Chamber of Commerce and Industry in San Juan Rizal late this evening.

The President received a long ovation from some 500 members of the new trade organization when he said in his brief remarks that the Nacionalista Party, which had fought for over 40 years for political independence which was attained in 1946, considered it a sacred duty to wrest control of the patrimony of the land for the sustenance and strengthening of the Filipino people.

The President pointed out that for four centuries, the economic policies of the country were charted by foreigners for their own benefit, never for the benefit of the Filipino people, and that it is the duty of the Filipinos to chart their own policies and assume their god-given rights.

This, the President told the organization, was the reason for his launching the Filipino First policy, which has found wide and popular support

from all sectors of the country and which was adopted as the cornerstone in the founding of the San Juan Chamber of Commerce and Industry.

The program was delayed owing to the regular weekly Cabinet meeting. The President arrived at the inaugural ceremonies at 9 p.m., and left at 11:30, after the program, for his Bohol Avenue residence.

April 27.- **P**RESIDENT Garcia today took steps to counteract what Malacañang called Liberal Party propaganda charges that the Administration was out to cheat in the November 14 polls.

Before boarding the presidential train at the Tutuban Station in Manila en route to the Summer Capital, President Garcia issued a directive to Defense Secretary Alejo S. Santos to take necessary steps to insure "clean and orderly elections."

Later in his chat with newsmen, the President recalled how he has won all his political battles through honest balloting.

President and Mrs. Garcia arrived at the Guest House at five in the afternoon and were met by a large delegation of city officials and employees headed by Mayor Luis Lardizabal and Gov. Bado Dangwa of Mountain Province.

The President will be the guest speaker at the 6th annual convention of the Philippine Electric Plant Owners Association at the Pines Hotel tomorrow noon and at the convention of the Regional Federation of Virginia Tobacco FACOMAs at Burnham Park Saturday morning.

The President and Mrs. Garcia left Tutuban by train at 9:15 in the morning and arrived at Damortis at 3:45 p.m. They proceeded to Baguio by car.

Accompanying the President are Rep. and Mrs. Ramon Mitra, Rep. and Mrs. Manuel Zosa, Mrs. Daniel Romualdez, Mrs. Joaquin Roces, Mrs. Amparo Villamor, Gen. Manuel Cabal, NAWASA General Manager Susano Negado, and others.

President Garcia today ordered the immediate release of P50,000 from his contingent fund for the relief of victims of the fire which hit Baguio City last Tuesday. The order for the release of the initial amount of P50,000 was given through Executive Secretary Natalio P. Castillo.

The President, likewise, directed Administrator Amparo Villamor of the Social Welfare Administration to extend all possible aid to the fire victims.

The two-hour fire which gutted the commercial district along Session Road caused losses to properties estimated at P1.5 million and injury to one. The conflagration was considered to be the biggest and the most destructive ever to hit Baguio City.

April 28.- **P**RESIDENT Garcia today received assurances of support from 30 former Liberal leaders of Mt. Province, 15 of whom took their formal oath of affiliation with the Nacionalista Party at the Guest House.

The former Liberals, some of them candidates for local posts, pledged support to President Garcia in a resolution presented to him during the oath taking. They said that they decided to support the President because of his boldness and determination to prosecute erring officials and fight against graft and corruption.

They pointed out that the Liberals who are so vocal in accusing the present administration of graft and corruption were the ones who were indicted by the people and booted out of office for such offense.

They expressed their faith in the good work of the President who has been exposed to all kinds of accusations, and said that they are supporting him so that his good work will continue for the salvation of the country.

Among those who took their oath of affiliation were Juan Zarate, Antonio Ramos, Pedro Claravall, Marcelo Pajel, Aurelio Peralta, Juanito Astudillo, Pedro Alcantara, Adelina Pajel, Leon Dacanay, Emmanuel Zaragoza, and Antonio Alabanza.

Earlier the President received Indonesian Defense Minister Abdul Harris Nasution and Mrs. Nasution, who reiterated President Sukarno's standing invitation to the Chief Executive to visit Indonesia.

In their meeting the President and Minister Nasution compared their countries' struggle for independence and also discussed the world situation. Minister Nasution informed the President that communists in Indonesia constituted an isolated small minority and their strength had been exaggerated.

The President told Minister Nasution, who was also accompanied by Indonesian Ambassadors Suska to Burma and Spade to Australia, that he had already accepted President Sukarno's invitation but that he could not make it this year.

Early in the morning, the President strolled alone around the Mansion House because the First Lady had gone up to Bontoc on a two-day trip. The President later received Manila Councilors Alfredo Gomez, Vicente Cruz, and Eriberto Remigio, who sought P50,000 for Fabie Estate Development and P150,000 for schools; Govs. Felipe Garduque, Godofredo S. Reyes, Manuel Barretto, and Eulogio F. de Guzman, who petitioned the President to study the feasibility of importing rice to counteract the activities of unscrupulous speculators who are victimizing the consumers as a result of the destruction caused by floods and typhoons, particularly in Central Luzon, which is considered the rice granary of the Philippines.

The President said that he will give the matter serious consideration.

At noon the President proceeded to the Pines Hotel to address the Philippine Electric Plant Owners Association.

In the afternoon the President administered the oaths of office to Chief Justice Cesar Bengzon and Associate Justices Dionisio de Leon and Felipe Natividad of the Supreme Court at the Guest House.

The oath-taking ceremonies which took place one after the other were attended by a large group composed of all the associated justices of the Supreme Court with the exception of Justice Felix Angelo Bautista, members of the appellate and lower courts, high government officials, close relatives, and friends of the inductees.

Also present were former Secretaries Salvador Araneta and Emilio Abello; Jesus Vargas, former AFP chief of staff; Bibiano Meer, former internal revenue collector; Judge Guillermo Guevara; and Manila Councilor Francisco Gatmaitan.

President Garcia appealed to electric owners to explore all possible means of producing cheap electric power in order to insure the success of the country's industrialization program.

The President made this appeal at a luncheon this noon before some 500 delegates in the opening session of the two-day convention of the Philippine Electric Plant Owners Association at the Pines Hotel this noon.

In his brief extemporaneous speech, the President quoted former President Eisenhower's message in 1960 which said "the race between the increase of wages and the increase of the cost of production has placed American commodities out of the world market."

The President emphasized that this is a warning to Filipinos, and added that electric plant operators should explore all means of averting the eventuality by producing cheaper power so that industrialists are assured a fair profit and better chances for competition.

The President said that the rural electrification act of 1960 fell far short of his expectations because it did not provide for the necessary funds, unlike the Tennessee Valley Authority and other similar acts in the United States which had millions of dollar appropriated.

PEPOA President Abaya, speaking for the association, pledged full support for the industrialization program and the dispersal of industries. Abaya also submitted the association's petition, to wit: endorsement of House Bill No. 613 increasing NPC capital to P250 million; House Bill No. 340 amending the charter of the Development Bank of the Philippines to allow

loans to industries including electric generation to implement RA Act No. 770 providing rural electrification; and lastly the inclusion of electric power as one of the basic industries under Senate Bill No. 669.

Present at the luncheon conference were NEC Chairman Jose Locsin, PEPOA Vice-President Julio Diaz, ICA Deputy Chief of Operations Leland Randall, and Msgr. William Brasseur, who delivered the invocation.

After the speech the President awarded certificates of appreciation to Caltex represented by McLellan and J. P. Roxas for their support and assistance to the association.

April 29.—**P**RESIDENT Garcia advocated anew the importation of a limited quantity of blending tobacco for aromatic cigarettes in exchange for locally produced low-grade Virginia tobacco.

The President reiterated his stand in a speech which was read by Zambales Gov. Manuel Barretto before the First National Convention of Virginia Tobacco Facomas at the St. Louis Auditorium in Baguio.

President Garcia was the guest speaker but upon his doctor's orders, he cancelled all engagements and stayed in bed the whole day today.

In a prepared speech the President assured farmers of continued government price support until they can stand competition in a free market.

The President, however, pointed to the problem posed by mounting stocks of low grade Virginia tobacco that are not saleable locally. He said that only 30 per cent of Virginia tobacco produced locally is of good quality and this is not enough to supply local requirements; hence, the need for blending tobacco.

The President said that ACCFA alone has 49 million kilograms of low-grade tobacco amounting to P141 million, while the Philippine Virginia Tobacco Administration (PVTa) has 18 million kilograms worth P49 million, making a total of P190 million in government capital tied up in surplus low-grade Virginia tobacco.

President Garcia revealed offers of local manufacturers to buy three and one-half kilos of Philippine low grade tobacco in exchange for one kilo of imported blending tobacco which, if accepted, will reduce accumulated surplus and result in greater income for government from importation of aromatic cigarettes.

The President also said that while the Philippines is looking for other markets, it must not lose the golden opportunity in the ruptured United States-Cuba relations to gain a firm hold on the American cigar market.

The President had also requested Sen. Domocao Alonto to represent him at the convention of Filipino Land Tillers Association at Burham Park auditorium this afternoon.

In his speech President Garcia pledged that the government will redouble its efforts in giving land to the landless until every Filipino farmer has his own piece of land.

Among others, the President requested Sen. Alonto to convey to the farmers that:

- (1) He is in favor in principle of extending easy credit to farmers;
- (2) He will study the feasibility of procuring through reparations modern farm implements to improve production; and
- (3) He will seriously consider rice importation to relieve shortage which resulted from crop destruction by floods and typhoons.

The Chief Executive said that self-sufficiency in rice which was achieved for the first time will continue as the principal aim of the Administration.

The President said that there will be rice production surplus of four million cavans by June this year with Cotabato contributing 12,400,000 cavans.

Citing figures, he said that agricultural production since 1955 increased 17.2 per cent while food crops jumped 20.8 per cent.

The President said, however, in answer to Govs. Manuel Barretto of Zambales, Felipe Garduque of Cagayan, Godofredo Reyes of Ilocos Sur,

and Eulogio de Guzman of La Union, who suspected manipulation of prices as a cause for shortage in their respective provinces, that he will consider seriously their petition to import rice.

President Garcia also said that in the distribution of land to the landless, the Administration in 1960 issued 25,840 land titles covering 91,000 hectares as compared to 1953, the last year of the Liberal administration, when 8,489 land titles covering 6,000 hectares were issued.

The President also informed the conventionists that the extension of liberal credit to the farmers had already been taken up by the Cabinet.

REPUBLIC ACTS

Enacted during the Fourth Congress of the Philippines
Third Session

H. No. 3892

[REPUBLIC ACT NO. 2961]

AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED TWENTY-THREE HUNDRED SEVENTY-NINE, ENTITLED "AN ACT GRANTING SEGUNDINO B. INOVEJAS A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN AN ICE PLANT IN THE MUNICIPALITY OF CATBALOGAN, PROVINCE OF SAMAR, AND TO SELL ICE THEREIN."

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section two of Republic Act Numbered Twenty-three hundred seventy-nine is amended to read as follows:

"SEC. 2. The grantee shall manufacture and supply ice up to the limit of the capacity of the plant."

SEC. 2. Section four of the same Act is amended to read as follows:

"SEC. 4. If the grantee shall not commence the manufacture and distribution of ice in the Municipality of Catbalogan Province of Samar, within one year from the approval of this amendatory Act, unless prevented by an act of God, or *force majeure*, martial law, riot, civil commotion, usurpation by a military power or any other cause beyond grantee's control, this franchise shall become null and void."

SEC. 3. Section five of the same Act is amended to read as follows:

"SEC. 5. This franchise is granted subject to the provisions of Commonwealth Act Numbered One hundred forty-six, as amended, only with respect to the fixing of rates, and with the understanding and upon the condition that it shall be subject to amendment, alteration or repeal by the Congress of the Philippines when public interest so requires."

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 3916

[REPUBLIC ACT NO. 2962]

AN ACT GRANTING THE CABUGAO FARMERS' CO-OPERATIVE MARKETING ASSOCIATION, INC., (FACOMA) A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE

MUNICIPALITY OF CABUGAO, PROVINCE OF
ILOCOS SUR.

*Be it enacted by the Senate and House of Representatives
of the Philippines in Congress assembled:*

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred and thirty-six, as amended by Commonwealth Act Numbered One hundred and thirty-two, and to the provisions of the Constitution, there is granted to the Cabugao Farmers' Cooperative Marketing Association, Inc., (FaCoMa) for a period of twenty-five years from the approval of this Act, the right, privilege, and authority to construct, maintain and operate an electric light, heat and power system for the purpose of generating and distributing electric light, heat and/or power for sale within the Municipality of Cabugao, Province of Ilocos Sur.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender its franchise and will turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 3962

[REPUBLIC ACT No. 2963]

AN ACT AMENDING CERTAIN SECTIONS AND THE
TITLE OF REPUBLIC ACT NUMBERED TWENTY
HUNDRED THIRTY-SIX, ENTITLED "AN ACT
GRANTING THE RADIO COMMUNICATIONS OF
THE PHILIPPINES A FRANCHISE TO ESTAB-
LISH RADIO STATIONS FOR DOMESTIC TELE-
COMMUNICATIONS."

*Be it enacted by the Senate and House of Representatives
of the Philippines in Congress assembled:*

SECTION 1. Section one of Republic Act Numbered Twenty hundred thirty-six is amended to read as follows:

"SECTION 1. Subject to the provisions of the Constitution, and to the provisions, not inconsistent herewith, of Act Numbered Three thousand eight hundred and forty-six, entitled "An Act providing for the regulation of radio stations and radio communications in the Philippine Islands, and for other purposes;" Commonwealth Act Numbered One hundred forty-six, known as the Public Service Act, and their amendments, and other applicable laws, there is hereby granted to the Radio Communications of the Philippines, Inc., its successors or assigns, the right and privilege of constructing, installing, establishing and

operating in the Philippines, at such places as the said corporation may select and the Secretary of Public Works and Communications may approve, radio stations for the reception and transmission of wireless messages on radio-telegraphy and/or radiotelephony, including both coastal and marine telecommunications, each station to consist of two radio apparatus comprising of a receiving and sending radio apparatus, stations for international telecommunications and stations for broadcasting, including television."

SEC. 2. Section three of the same Act is hereby amended to read as follows:

"SEC. 3. This franchise shall continue for a period of fifty years from the date the first of said stations shall be placed in operation, and is granted upon the express condition that the same shall be void unless the construction of said stations be begun within two years from the date of the approval of this Act and be completed within four years from said date: *Provided, however,* That the two years period within which the construction of the stations for international television shall be begun and the four years within which the construction shall be completed shall be counted from the date of the approval of this amendatory Act."

SEC. 3. The title of Republic Act Numbered Twenty hundred thirty-six is amended to read as follows: "An Act granting the Radio Communications of the Philippines, Inc., a franchise to establish radio stations for domestic telecommunications, stations for international telecommunications and stations for broadcasting, including television."

SEC. 4. Whenever the name "Radio Communications of the Philippines," originally registered with the Securities and Exchange Commission appears in Republic Act Numbered Twenty hundred thirty-six as well as in the amendatory Act, it should mean the "Radio Communications of the Philippines, Inc."

SEC. 5. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

II. No. 3990

[REPUBLIC ACT NO. 2964]

AN ACT GRANTING MR. FRANCISCO ARCILLA A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A RADIO BROADCASTING STATION IN THE MUNICIPALITY OF VIRAC, PROVINCE OF CATANDUANES, PHILIPPINES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the provisions of the Constitution, as well as of Act Numbered Three thousand eight hundred forty-six, entitled "an Act providing for the regulation of radio stations and radio communications in the Philippine Islands, and for other purposes;" Act Numbered Three thousand nine hundred ninety-seven, known as the Radio Broadcasting Law; Commonwealth Act Numbered One

hundred forty-six, known as the Public Service Act, and their amendments, and other applicable laws, not inconsistent with this Act, Mr. Francisco Arcilla is hereby granted a franchise to construct, maintain and operate a radio broadcasting station in the Municipality of Virac, Province of Catanduanes, Philippines.

SEC. 2. This franchise shall continue for a period of twenty-five years from the date the said station shall be put in operation, and is granted upon the express condition that the same shall be void unless the construction of said station be begun within six months from the date of approval of this Act and be completed within two years from said date.

SEC. 3. This franchise is likewise made upon the express condition that the grantee shall contribute to the public welfare; shall assist in the function of public information and education; shall conform to the ethics of honest enterprise; and shall not use his station for the dissemination of deliberately false information or willful misrepresentation, or to the detriment of the public health, or to incite, encourage or assist in subversive or treasonable acts.

SEC. 4. The grantee's radio broadcasting station shall not be put in actual operation until the Secretary of Public Works and Communications shall have allotted to the grantee the frequency and wave length to be used under this franchise and issued to the grantee a license for such use.

SEC. 5. A special right is hereby reserved to the President of the Philippines in time of war, insurrection, public peril or other national emergency and when public safety requires, to cause the closing of the grantee's radio station or to authorize the use or possession thereof by any department of the Government without compensation to the grantee for the use of said station during the continuance of the national emergency.

SEC. 6. The grantee shall be liable to pay the same taxes, unless exempted therefrom, on his real estate, buildings, and personal property, exclusive of the franchise, as other persons or corporations are now or hereafter may be required by law to pay.

The grantee shall further be liable to pay all other taxes under the National Internal Revenue Code by reason of this franchise.

SEC. 7. The grantee shall hold the national, provincial and municipal governments of the Philippines harmless from all claims, accounts, demands or actions arising out of accidents or injuries, whether to property or to persons, caused by the construction or operation of the station of the grantee.

SEC. 8. The franchise hereby granted shall be subject to amendments, alteration or repeal by the Congress of the Philippines when the public interest so requires.

SEC. 9. As a condition to the granting of this franchise, the grantee shall execute a bond in favor of the Government of the Philippines, in the sum of fifty thousand pesos, in form and with sureties satisfactory to the Secretary of Public Works and Communications, conditioned upon the faithful performance of the grantee's obligations hereunder during the first three years of the life of this

franchise. If after three years from the date of acceptance of this franchise, the grantee shall have fulfilled said obligations, or as soon thereafter as the grantee shall have fulfilled the same, the bond aforesaid shall be cancelled by the Secretary of Public Works and Communications.

SEC. 10. Acceptance of this franchise shall be given in writing within six months after approval of this Act. When so accepted by the grantee and upon the approval of the bond aforesaid by the Secretary of Public Works and Communications the grantee shall be empowered to exercise the privileges granted thereby.

SEC. 11. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise nor the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, nor merge with any other person, company or corporation organized for the same purpose, without the approval of the Congress of the Philippines first had. Any corporation to which this franchise may be sold, transferred or assigned shall be subject to the corporation laws of the Philippines now existing or hereafter enacted, and any person, firm, company, corporation or other commercial or legal entity to which this franchise is sold, transferred or assigned shall be subject to all conditions, terms, restrictions and limitations of this franchise as fully and completely and to the same extent as if the franchise had been originally granted to the said person, firm, company, corporation or other commercial or legal entity.

SEC. 12. The grantee shall not require any previous censorship of any speech, play or other matter to be broadcast from his station; but if any such speech, play or other matter shall constitute a violation of the law or infringement of a private right, the grantee shall be free from any liability, civil or criminal, for such speech, play or other matter: *Provided*, That the grantee, during any broadcast, shall cut off from the air the speech, play or other matter being broadcast if the tendency thereof is to propose and/or incite treason, rebellion or sedition, or the language used therein or the theme thereof is indecent or immoral, and willful failure to do so shall constitute a valid cause for the cancellation of this franchise.

SEC. 13. This franchise shall not be interpreted as an exclusive grant of the privileges herein provided for.

SEC. 14. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 4102

[REPUBLIC ACT No. 2965]

AN ACT GRANTING THE MUNICIPALITY OF TORRIJOS, PROVINCE OF MARINDUQUE, A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred thirty-six, as

amended by Commonwealth Act Numbered One hundred thirty-two, and to the provisions of the Constitution, there is granted to the Municipality of Torrijos, Province of Marinduque, for a period of fifty years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system for the purpose of generating and distributing electric light, heat and/or power for sale within the limits of the said municipality.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 4115

[REPUBLIC ACT No. 2966]

AN ACT GRANTING THE MUNICIPALITY OF HINUNDAYAN, PROVINCE OF LEYTE, A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE SAID MUNICIPALITY.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred thirty-six, as amended by Commonwealth Act Numbered One hundred thirty-two, and to the provisions of the Constitution, there is granted to the Municipality of Hinundayan, Province of Leyte, for a period of twenty-five years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system in the said municipality, for the purpose of generating and distributing electric light, heat and/or power for sale therein.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that, in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender its franchise and turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without executive approval, June 19, 1960.

H. No. 4116

[REPUBLIC ACT No. 2967]

AN ACT GRANTING THE MUNICIPALITY OF LIBAGON, PROVINCE OF LEYTE, A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE SAID MUNICIPALITY.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred thirty-six, as amended by Commonwealth Act Numbered One hundred thirty-two, and to the provisions of the Constitution, there is granted to the Municipality of Libagon, Province of Leyte, for a period of twenty-five years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system in the said municipality, for the purpose of generating and distributing electric light, heat and/or power for sale therein.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that, in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender its franchise and turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 4117

[REPUBLIC ACT No. 2968]

AN ACT GRANTING THE MUNICIPALITY OF ANAHAWAN, PROVINCE OF LEYTE, A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE SAID MUNICIPALITY.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred thirty-six, as amended by Commonwealth Act Numbered One hundred thirty-two, and to the provisions of the Constitution, there is granted to the Municipality of Anahawan, Province of Leyte, for a period of twenty-five years from the approval

of this Act, the right, privilege, and authority to construct, maintain and operate an electric light, heat and power system in the said municipality, for the purpose of generating and distributing electric light, heat and/or power for sale therein.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that, in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender its franchise and turn over to the Government all serviceable equipment therein, as cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 4118

[REPUBLIC ACT No. 2969]

AN ACT GRANTING THE MUNICIPALITY OF SAINT BERNARD, PROVINCE OF LEYTE, A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE SAID MUNICIPALITY.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred thirty-six, as amended by Commonwealth Act Numbered One hundred thirty-two, and to the provisions of the Constitution, there is granted to the Municipality of Saint Bernard, Province of Leyte, for a period of twenty-five years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system in the said municipality, for the purpose of generating and distributing electric light, heat and/or power for sale therein.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that, in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender its franchise and turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 4119

[REPUBLIC ACT No. 2970]

AN ACT GRANTING THE MUNICIPALITY OF PINTUYAN, PROVINCE OF LEYTE, A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE SAID MUNICIPALITY.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred thirty-six, as amended by Commonwealth Act Numbered One hundred thirty-two, and to the provisions of the Constitution, there is granted to the Municipality of Pintuyan, Province of Leyte, for a period of twenty-five years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system in the said municipality, for the purpose of generating and distributing electric light, heat and/or power for sale therein.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC 3. It is expressly provided that, in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender its franchise and turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without executive approval, June 19, 1960.

H. No. 4120

[REPUBLIC ACT No. 2971]

AN ACT GRANTING THE MUNICIPALITY OF MACROHON, PROVINCE OF LEYTE, A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE SAID MUNICIPALITY.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred thirty-six, as amended by Commonwealth Act Numbered One hundred thirty-two, and to the provisions of the Constitution, there is granted to the Municipality of Macrohon, Province of Leyte, for a period of twenty-five years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system in the said municipality, for the purpose of generat-

ing and distributing electric light, heat and/or power for sale therein.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that, in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender its franchise and turn over to the government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 4121

[REPUBLIC ACT No. 2972]

AN ACT GRANTING THE MUNICIPALITY OF MAASIN, PROVINCE OF LEYTE, A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE SAID MUNICIPALITY.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred thirty-six, as amended by Commonwealth Act Numbered One hundred thirty-two, and to the provisions of the Constitution, there is granted to the Municipality of Maasin, Province of Leyte, for a period of twenty-five years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system in the said municipality, for the purpose of generating and distributing electric light, heat and/or power for sale therein.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that, in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender its franchise and turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 4122

[REPUBLIC ACT No. 2973]

AN ACT GRANTING THE MUNICIPALITY OF PADRE BURGOS, PROVINCE OF LEYTE, A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE SAID MUNICIPALITY.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred thirty-six, as amended by Commonwealth Act Numbered One hundred thirty-two, and to the provisions of the Constitution, there is granted to the Municipality of Padre Burgos, Province of Leyte, for a period of twenty-five years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system in the said municipality, for the purpose of generating and distributing electric light, heat and/or power for sale therein.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that, in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender its franchise and turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 4138

[REPUBLIC ACT No. 2974]

AN ACT GRANTING THE UDAGRI DEVELOPMENT CORPORATION A TEMPORARY PERMIT TO CONSTRUCT, MAINTAIN AND OPERATE PRIVATE FIXED POINT-TO-POINT RADIO STATIONS FOR THE RECEPTION AND TRANSMISSION OF RADIO COMMUNICATIONS WITHIN THE PHILIPPINES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. There is hereby granted to the Udagri Development Corporation, its successors or assigns, a temporary permit to construct, maintain and operate in the Philippines, at such places as the said corporation may select, subject to the approval of the Department Secretary under whose jurisdiction the Radio Control Division is functioning, or any competent authority who is or shall be authorized to give said approval, such private fixed point-to-point and land-based radio stations for the reception and transmission of wireless messages on radiotelegraphy or radiotelephony, each station to consist of two radio apparatus comprising of a receiving and sending radio apparatus.

SEC. 2. The President of the Philippines shall have the power and authority to permit the location of said private fixed point-to-point and land-based radio stations or any of them on the public domain upon such terms as he may prescribe.

SEC. 3. This temporary permit shall continue to be in force during the time that the Government has not established similar service at the places selected by the grantee, and is granted upon the express condition that the same shall be void unless the grantee shall start operation of said stations within one and one-half years from the date of approval of this Act.

SEC. 4. The grantee shall not engage in domestic business of telecommunications in the Philippines without further special assent of the Congress of the Philippines, it being understood that the purpose of this temporary permit is to secure to the grantee the right to construct, install, establish and operate private fixed point-to-point and land-based radio stations at places within the Philippines as the interest of the corporation and its trade and business may justify.

SEC. 5. A special right is hereby reserved to the President of the Philippines in time of war, rebellion, public peril or other national emergency and when public safety requires, to cause the closing of the grantee's radio station or stations or to authorize the use or possession thereof by any department of the government without compensation to the grantee for the use of said station during the continuance of the national emergency.

SEC. 6. No fees shall be charged by the grantee as the radio stations that may be established by virtue of this Act shall engage in communication regarding the grantee's business only.

SEC. 7. The grantee, its successors or assigns, shall so construct and operate its radio stations as not to interfere with the operation of other radio stations maintained and operated in the Philippines.

SEC. 8. The grantee, its successors or assigns, shall hold the national, provincial, city, and municipal governments of the Philippines, harmless from all claims, accounts, demands or actions arising out of accidents or injuries, whether to property or to persons, caused by the construction or injury of its radio stations.

SEC. 9. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this temporary permit, nor the rights or privileges acquired thereunder to any person, firms, company, corporation or other commercial or legal entity, nor merge with any other person, company or corporation organized for the same purpose, without the approval of the Congress of the Philippines first had. Any corporation to which this temporary permit may be sold, transferred, or assigned, shall be subject to the corporation laws of the Philippines now existing or hereafter enacted, and any person, firm, company, corporation or other commercial or legal entity to which this temporary permit is sold, transferred, or assigned shall be subject to all conditions, terms, restrictions and limitations of this temporary permit as fully and completely and to the same extent as if the temporary permit had been originally granted to the said person, firm, company, corporation or other commercial or legal entity.

SEC. 10. The grantee, its successors or assigns, shall be subject to the corporation laws of the Philippines now existing or hereafter enacted.

SEC. 11. The grantee, its successors or assigns, is authorized to operate its private fixed point-to-point radio stations in the medium frequency, high frequency and very high frequency that may be assigned to it by the licensing authority.

SEC. 12. This temporary permit shall be subject to amendment, alteration, or repeal by the Congress of the Philippines when the public interest so requires and shall not be interpreted as an exclusive grant of the privileges herein provided for.

SEC. 13. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 4168

[REPUBLIC ACT NO. 2975]

AN ACT GRANTING JOSEFINA ARANDA A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE MUNICIPALITY OF ROXAS, PROVINCE OF ISABELA.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred and thirty-six, as amended by Commonwealth Act Numbered One hundred and thirty-two, and to the provisions of the Constitution, there is granted to Josefina Aranda, for a period of fifty years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system for the purpose of generating and distributing electric light, heat and/or power for sale within the Municipality of Roxas, Province of Isabela.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender her franchise and turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

DEPARTMENT AND BUREAU ADMINISTRATIVE ORDERS AND REGULATIONS

Department of Justice

OFFICE OF THE SOLICITOR GENERAL

ADMINISTRATIVE ORDER No. 61

March 2, 1961

DESIGNATING ADMINISTRATIVE OFFICER
ROSS V. PANGILINAN OF THE CITY
FISCAL OF TOLEDO CITY AS SPECIAL
COUNSEL TO ASSIST THE CITY FISCAL
OF SAID CITY.

In the interest of the public service and pursuant to the provisions of Section 1686 of the Revised Administrative Code, as amended, Atty. Ross V. Panggilinan, Administrative Officer in the Office of the City Fiscal of Toledo City, is hereby designated, effective immediately and to continue until further orders, as Special Counsel to assist the City Fiscal of Toledo City in the discharge of his duties, without additional compensation.

ALEJO MABANAG
Secretary of Justice

ADMINISTRATIVE ORDER No. 62

March 3, 1961

AUTHORIZING DISTRICT JUDGE BENJAMIN
K. GOROSPE OF MISAMIS ORIENTAL TO
HOLD COURT IN CATARMAN, CAMI-
GUIN SUB-PROVINCE.

In the interest of the administration of justice and pursuant to Section 56 of Republic Act No. 296, as amended, the Honorable Benjamin K. Gorospe, District Judge of Misamis Oriental, First Branch, is hereby authorized to hold term of court in Catarman, Camiguin sub-province, beginning April 3, 1961, or as soon thereafter as practicable, for the purpose of trying all cases and to enter judgment therein.

ALEJO MABANAG
Secretary of Justice

ADMINISTRATIVE ORDER No. 63

March 3, 1961

AUTHORIZING DISTRICT JUDGE ABUNDIO
ARRIETA OF BUKIDNON AND MISAMIS
ORIENTAL TO HOLD SPECIAL TERM OF
COURT IN GINGOOG CITY.

In the interest of the administration of justice and pursuant to Section 54 of Republic Act No. 296, as amended, the Honorable Abundio Arrieta, District Judge of Bukidnon and Misamis Oriental, Second Branch, is hereby authorized to hold the special term of court required in Gingoog City beginning March 6, 1961, or as soon thereafter as practicable, for the purpose of trying all kinds of cases and to enter judgments therein.

ALEJO MABANAG
Secretary of Justice

ADMINISTRATIVE ORDER No. 64

March 1, 1961

APPOINTING TEMPORARILY PROVINCIAL
FISCAL LUIS D. MANTA OF LANAO
DEL SUR AS ACTING CITY ATTORNEY
OF MARAWI CITY.

In the interest of the public service and pursuant to the provisions of Section 1679 of the Revised Administrative Code, as amended, Mr. Luis D. Manta, Provincial Fiscal of Lanao del Sur, is hereby temporarily appointed Acting City Attorney of Marawi City during the stay of the regular incumbent in Manila on official business and to continue until his return.

ALEJO MABANAG
Secretary of Justice

ADMINISTRATIVE ORDER No. 65

March 1, 1961

APPOINTING TEMPORARILY PROVINCIAL
FISCAL RICARDO D. GARCIA OF SURIGAO
DEL NORTE AS ACTING PROVINCIAL
FISCAL OF SURIGAO DEL SUR.

In the interest of the public service and pursuant to the provisions of section 1679 of the Revised Administrative Code, as amended, Mr. Ricardo D. Garcia, Provincial Fiscal of Surigao del Norte, is hereby temporarily appointed Acting Provincial Fiscal of Surigao del Sur during the leave of absence of the regular incumbent and to continue until further orders.

ALEJO MABANAG
Secretary of Justice

ADMINISTRATIVE ORDER No. 66

March 6, 1961

APPOINTING ATTY. EDUARDO C. DAYRIT OF
PAMPANGA AS SPECIAL COUNSEL TO
ASSIST THE PROVINCIAL FISCALS OF
PAMPANGA AND TARLAC.

Upon request of the Secretary of Finance, in the interest of the public service and pursuant to the provisions of section 1686 of the Revised Administrative Code, as amended, Atty. Eduardo C. Dayrit of San Fernando, Pampanga, private practitioner, is hereby appointed Special Counsel to assist the Provincial Fiscals of Pampanga and Tarlac in the investigation and prosecution of cases involving special crop loan cases in the said provinces, effective immediately and to continue until further orders. It is understood that Atty. Dayrit will not be entitled to any compensation except traveling expenses which shall be refundable by the Philippine National Bank.

This cancels the designations issued to Atty. Jose B. Flaminiano dated September 29, 1955 and May 28, 1956.

ALEJO MABANAG
Secretary of Justice

ADMINISTRATIVE ORDER No. 67

March 7, 1961

JUDGES AUTHORIZED TO HOLD COURT
DURING THE COURT VACATION IN THE
PROVINCES.

In the interest of the administration of justice and pursuant to section 66 of Republic Act No. 296, as amended, the following Judges are hereby authorized to hold court during the court vacation, in the provinces and during the periods indicated:

Judge Perfecto Quicho of Albay (1st Br.), to hold sessions in his own court and to take charge of the Second Branch thereof, as well as to act on interlocutory matters pertaining to the Court of First Instance of Catanduanes, during April;

Judge Macapanton Abbas of Davao (2nd Br.), to hold sessions in his own court and to take charge of the First and Third Branches thereof during May, as well as to act on interlocutory matters pertaining to the Court of First Instance of Cotabato from May 1st to 13th; and

Judge Honorio Romero of Davao (3rd Br.), to hold sessions in his own court and to take charge of the First and Second Branches thereof during April, as well as to act on interlocutory matters pertaining to the Court of First Instance of Cotabato from April 3rd to 30th.

This amends Administrative Order No. 55 of this Department, dated February 20, 1961, insofar as the above-mentioned Judges are concerned.

ALEJO MABANAG
Secretary of Justice

ADMINISTRATIVE ORDER No. 68

March 7, 1961

AMENDING ADMINISTRATIVE ORDER NO.
55, DATED FEBRUARY 20, 1961 INSOFAR
AS THE JUDGES MENTIONED ARE CON-
CERNED.

In the interest of the administration of justice and pursuant to section 66 of Republic Act No. 296, as amended, Administrative Order No. 55 of this Department, dated February 20, 1961, is hereby amended to read as follows insofar as the Judges mentioned are concerned:

Judge Zoilo Hilario of Tarlac (2nd Br.), to hold sessions in his own court and to take charge of the First Branch thereof during April and May;

Judge Jesus Perez of Manila (3rd Br.), to hold sessions in his own court during April and May, and to take charge of the Eighth and Sixteenth Branches thereof from April 17th to May 31st and during May, respectively;

Judge Antonio Cañizares of Manila (4th Br.), to hold sessions in his own court from April 1st to 16th and from May 1st to 31st, and to take charge of the First, Seventh and Ninth Branches thereof during May;

Judge Gustavo Victoriano of Manila (6th Br.), to hold sessions in his own court and to take charge of the Tenth, Twelfth and Fourteenth Branches thereof during May;

Judge Gregorio Lantin of Manila (7th Br.), to hold sessions in his own court and to take charge of the First and Sixth Branches thereof during April;

Judge Edilberto Soriano of Manila (15th Br.), to hold sessions in his own court and to take charge of the Thirteenth, Seventeenth and Eighteenth Branches thereof during May;

Judge Arsenio Solidum of Manila (17th Br.), to hold sessions in his own court and to take charge of the Fifth and Twelfth Branches thereof during April;

Judge Ruperto Kapunan, Jr. of Manila (18th Br.), to hold sessions in his own court during April, and to take charge of the Fourth and Thirteenth Branches thereof from April 17th to 30th and during April, respectively;

Judge Julio Villamor of Manila (19th Br.), to hold sessions in his own court and to take charge of the Eleventh Branch thereof during April and May, as well as the Fifth and Twentieth Branches

during May and from April 17th to May 11th, respectively;

Judge Cecilia Muñoz-Palma of Rizal (1st Br.), to hold sessions in her own court during April and May, and to take charge of the Second Branch thereof from May 2nd to 13th, as well as the Third and Seventh Branches during May;

Judge Hermogenes Caluag of Rizal (4th Br.), to hold sessions in his own court and to take charge of the Fifth Branch thereof during April;

Judge Nicasio Yateo of Rizal (4th Br.), to hold sessions in his own court and to take charge of the Fourth Branch thereof during May;

Judge Angel Mojica of Rizal (7th Br.), to hold sessions in his own court and to take charge of the Third Branch thereof during April;

Judge Fidel Fernandez of Samar (1st Br.), to hold sessions in his own court and to take charge of the Second, Third and Fourth Branches thereof during May;

Judge Felix Marfori of Samar (3rd Br.), to hold sessions in his own court and to take charge of the First, Second and Fourth Branches thereof during April;

Judge Lorenzo Garlitos of Leyte (2nd Br.), to hold sessions in his own court and to take charge of the First Branch thereof during April, as well as the Fourth Branch from April 24th to 29th;

Judge Filomeno Ybañez of Leyte (4th Br.), to hold sessions in his own court from April 1st to 23rd and from April 30th to May 31st, and to take charge of the First, Second and Sixth Branches thereof during May; and

Judge Jose C. Borromeo of Cotabato (2nd Br.), to hold sessions in his own court and to take charge of the First Branch thereof on April 1st, 2nd and from May 14th to 31st.

Also, Administrative Order No. 56 of this Department, dated February 20, 1961, is hereby amended insofar as Judges Carmelino Alvendia and Ambrosio Dollete are concerned, as follows:

Judge Carmelino Alvendia of Manila (16th Br.), to hold sessions in his own court during April, and in the Court of First Instance of Baguio City and Benguet, Mt. Province, during May, for the purpose of trying all kinds of cases and to enter judgments therein; and

Judge Ambrosio Dollete of Bataan, to hold sessions in the Court of First Instance of Bulacan during April and May, for the purpose of trying all kinds of cases and to enter judgments therein, as well as, to take charge of the First and Second Branches thereof during the absence of the incumbents.

ALEJO MABANAG
Secretary of Justice

CENTRAL BANK OF THE PHILIPPINES

CIRCULAR No. 123
March 23, 1961

Pursuant to Resolution No. 361 adopted by the Monetary Board at its meeting held on March 3, 1961, Central Bank Circular No. 96 dated July 21, 1959, is hereby amended to read as follows:

"CIRCULAR No. 96
"July 21, 1959

"In order to maintain monetary stability in the Philippines, to preserve the international value of the peso and to curtail illegal operations in foreign exchange, the Monetary Board, in pursuance of Central Bank Circular No. 20 and other circulars and notifications implementing the same, hereby requires any person or entity who intends to import or receive goods from any foreign country for which no foreign exchange is required or will be required of the banks, to apply for a license from the Monetary Board to authorize such import.

"Applications for licenses under this Circular shall state the following:

- "a. Name, address, and business of applicant;
- "b. Description of the goods to be imported;
- "c. Origin of the goods and name and address of exporter;
- "d. C. I. F. value of the goods to be imported;
- "e. Whether the goods are to be paid for or not at a later date; if not, how the goods are to be paid, including a statement indicating the source of the funds used for such payment;
- "f. Whether the goods to be imported are to be used by the importer or to be sold in the Philippines.

"The foregoing requirements shall not apply to the following importations:

"a. Wearing apparel, articles of personal adornment, toilet articles, personal and household effects, professional instruments and implements, tools of trade, occupation or employment, personally used in a foreign country for 3 months by returning residents who have stayed abroad for at least one year, provided that the value thereof does not exceed \$500.00, and that similar exemption has not been enjoyed within 12 months immediately preceding the date of arrival of the returning resident bringing the aforesaid articles, or the date of arrival of the articles under consideration. The length of use abroad shall be computed from the date of purchase to the date of shipment of the article in the case of advanced baggage, and from the date of purchase of the article to the date of departure of the owner in the case of accompanied or delayed baggage.

"New as well as used personal and household effects including those enumerated in the next preceding paragraph brought in by returning residents from abroad for personal use and not for commercial purposes provided the value does not exceed \$100.00, if the stay abroad of the returning resident is less than 6 months and \$250.00 if the stay abroad of the returning resident is from 6 months to 12 months, and that similar exemption has not been enjoyed within 6 months immediately preceding the date of arrival of the returning resident or the date of arrival of the articles under consideration.

"Articles purporting to be gifts sent by a non-resident to a resident of the Philippines and brought into the Philippines by a returning resident shall be considered as belonging to the returning resident for purposes of this circular.

"b. Articles not exceeding \$100.00 in value brought into the Philippines during every three-month period by officers and crew members of boats, ships, vessels or any water craft of whatever kind and nature and irrespective of size and tonnage and by officers and crew members of airplanes or any aircraft of any kind and make.

"c. Gifts sent from abroad to one single person provided the value of the gift does not exceed \$50.00 and that similar exemption has not been enjoyed within 6 months immediately preceding the date of arrival of the gifts under consideration;

"d. Raw materials for embroidery heretofore permitted to enter the Philippines in accordance with Executive Order No. 558, dated January 17, 1953, of the President of the Philippines;

"e. I. C. A. shipments;

"f. Baggages and personal effects of officials of foreign governments and members of international organizations who have been accorded diplomatic privileges;

"g. Goods, commodities and articles consigned to, and for the exclusive use of, embassies, legations and consulates of foreign governments, other than that of the United States, and of their officials duly accredited to the Government of the Republic of the Philippines;

"h. Samples and advertising materials destined exclusively for display or exhibition of a value not exceeding \$50.00, unless there is evidence of abuse in the use of this privilege;

"i. Goods, articles and commodities consigned to the U. S. Embassy and Consulates, the U. S. Armed Services and other American Government Federal Agencies and U. S. citizen personnel for their official and personal use;

"j. Shipments for account of accredited relief agencies and/or humanitarian or religious organizations;

"k. Letterheads, printed matter or printed forms to be used exclusively by offices in the Philippines of foreign firms;

"l. Articles donated from abroad and consigned duly established or duly incorporated international civic organizations, religious or charitable institutions or societies exempted from customs duties and taxes pursuant to Republic Act No. 1916, which articles are by nature and destination, for the exclusive use of the donees or for free distribution to the poor and the needy and not for barter, sale or hire;

"m. Supplies and equipment directly imported by, and for the exclusive use of, the Philippine Government and its instrumentalities through which its political authority is effected.

"Authority is hereby delegated to the Commissioner of Customs to issue, on behalf of the Central Bank, release certificates in the following cases:

"1. Release certificates covering items being brought in by a returning resident up to the value of \$500.00; provided, however, that this privilege may only be enjoyed once every six (6) months.

"2. In the case of personal and household effects being brought in by returning residents who have stayed abroad for at least six (6) months, the Commissioner of Customs is authorized to issue, on behalf of the Central Bank, release certificates covering

items like one (1) automobile, one (1) refrigerator, one (1) air conditioner, etc., for the returning resident concerned and his family, even if the total value exceeds \$1,000.00; provided, however, that this privilege may be enjoyed only once a year; and, in such cases, the Commissioner of Customs must be satisfied that the acquisition of the foreign exchange used did not involve violation of Central Bank rules and regulations.

"3. In the case of persons coming to reside in the Philippines for the first time, the Commissioner of Customs is authorized to issue, on behalf of the Central Bank, release certificates covering reasonable amounts of personal and household effects of the person concerned and his family. In issuing the release certificate, the Commissioner of Customs shall take into account the nature and length of stay in the Philippines, occupation, financial capacity and other circumstances of such person and his family."

This Circular shall take effect immediately.

For the Monetary Board:

ANDRES V. CASTILLO
Acting Governor

Certified true copy:

DOMINGO B. HERNANDEZ
Officer-In-Charge
Records Division, DPAS

HISTORICAL PAPERS AND DOCUMENTS

PRESIDENT GARCIA'S SPEECH READ BY HEALTH SECRETARY ELPIDIO VALENCIA AT THE OPENING OF THE 54TH CONVENTION OF THE PHILIPPINE MEDICAL ASSOCIATION AND THE 2ND GENERAL ASSEMBLY OF THE CONFEDERATION OF MEDICAL ASSOCIATIONS IN ASIA AND OCEANIA HELD AT UNIVERSITY OF THE PHILIPPINES IN DILIMAN, QUEZON CITY.

LADIES AND GENTLEMEN:

I AM grateful for the invitation you have extended me to address you this morning. I mean it when I say that when I address a gathering of doctors, such as you are today, I cannot help feeling that, indeed, here are men whose one dedication in life is not only to bless life and be grateful for it but also to preserve life and be reverent about it. In an age where men have seemed to have lost their sense of reverence for the many gifts God had given us, primarily the gift of life, it is truly refreshing and heartening to be with a group whose life work is distinguished by its supreme homage to life itself. In an age when some desperate or selfish and perverted men corrupt the meaning of life and violate its sanctity by cheapening it, and even by wantonly destroying it, it becomes one's moral obligation to crusade for life, to crusade for its worth, and to crusade for it such that people may have a deep and profound reverence for life. This is why I am happy to be with you this morning. Your invitation has given me this opportunity to make my testament of faith in the worth, dignity, and goodness of life itself.

It is a tribute to the Philippine Medical Association that it is now holding its 54th Convention and, too, the second meeting of the General Assembly of the Confederation of Medical Association in Asia and Oceania. I wish to congratulate the Philippine Medical Association for its glorious tradition of leadership in medicine. Your record of the 53 past conventions is a testimony of your solidity and stability as a medical organization. Your 54 years of Philippine leadership in medicine represents the selfless efforts that have gone into the training and systematization of the medical profession. In any professional field, leadership comes naturally to an organization that has earned it. I, therefore, heartily congratulate the Philippine Medical Association, not only for having sustained a dedicated leadership through all these years but also for having shown enough initiative and graciousness to invite the different Asian countries to strengthen even more a cooperative venture in leadership in medical training.

As you all very well know, I have long cherished the hope that in more and more areas—in teaching, economics,

political science, culture in general, and now medicine—the Asians may meet on common ground and together support their common purpose and lend to each the resources of all. This is especially important in the field of medical research. Considering that diseases among Asians do have common causes and effects, it would be highly profitable if we can maintain a regular and free flow of information regarding research among the nations in Asia. I have always been for pooled, cooperative efforts; for a deep sense of unity and brotherhood is forged among nations only when they work together for common goals. It is very reassuring to see that in this highly important field of medicine, we have begun our joint efforts so effectively as to ensure more comprehensive areas of cooperation in the future.

The topic of your Asian confab, "Trends in Infant Mortality in Asia and Oceania," shows most of all this reverence for life I cited at the beginning. Your commitment to the preciousness and worth of life—even that or especially that of infants—speaks highly of your noble understanding that life in its more elementary form, at its initial universal oneness with all life, demands purity and full competence in service. Therefore, to concern yourselves with studying ways and means of decreasing mortality among infants makes of you God's caretakers, for you are, by profession, preservers of created life. I have no doubt at all that the deliberations and results of your sessions will be very enlightening and helpful. I, therefore, congratulate you on the choice of your topic because you have thus shown a primal concern with the most elementary and basic problem of infant mortality.

As a host country, the Philippines is honored by the participation of delegates from Korea, Australia, China, Indonesia, Thailand, Iran, Japan, India, Pakistan, and Burma. On behalf of the Filipino people and especially of the Philippine Medical Association, let me welcome you most cordially into our country.

We hope you will find your stay in the Philippines and your participation in the convention pleasant and fruitful.

I wish further to congratulate the Philippine Medical Association for its perceptive and wise program of administering the maximum of medical care at minimum cost to our people. Some quarters have voiced the possible good socialized medicine can do for the country. On the other hand, the PMA has pointed out, and rightly so, that a better program than socialized medicine is possible through the voluntary medical insurance program. Personally, while I am aware of the merit of socialized medicine and its success in some countries, I also equally realize that our attitudes and ostentation as a people cannot assure for us the success of socialized medicine. I say this because by nature, we

Filipinos are deeply personal in our ways, almost cripplingly personal even when we should not be. This is especially true when we consider medical services. The sickness of only one member of a family, necessitating the visit of a doctor, becomes the whole family's concern. The doctor thus summoned becomes another member of the family. The moment he comes to feel the pulse of a patient, he finds himself literally grilled by every adult member of the family.

A visit by a doctor to a Filipino home is usually an occasion also of a social call, where the doctor finds it natural, because necessary, to ask the non-ailing members of the family, the particular ways their fortunes have gone. This is how *personalized* medical services in our country become. Our people want it so. It is what is perhaps very Filipino about us. Socialized medicine does not make this possible. Professional services become public and institutionalized but this our people cannot and will not appreciate. Therefore, I commend the stand the PMA has taken along this line, their more realistic and Filipino-oriented way of maximizing cost.

Moreover, the economy of the country, while vigorous and promising, is nevertheless unequal to the responsibility it shall be made to shoulder under socialized medicine. I heartily and gratefully endorse the PMA program of offering voluntary medical insurance to our people. This takes the good points of both socialized and personalized medical services. I wish to reassure the group here and those of you directly connected with the health program for our people, that I shall work hand in hand with you. I pledge the resources of the Government under your care so that you may truly believe that the Government is deeply committed to do all it can to secure for our people the greatest amount of service they are entitled to. That is why I plead for a more enlightened coordination between government agencies and the private medical practitioners. I should like to assure you that the Government wishes not to hinder but, in fact, to help advance and professionalize the practice of private practitioners by encouraging them to take advantage of the resources which the Government offers for research studies, for example, or for coordinated programs. To unite such efforts and direct our resources wisely should be our common aspiration. I hope that in your deliberations during this convention, you will be able to formulate ways and means of coordinating government and private activities. I shall be most happy to study your proposals and projects. I pledge here and now my full support of your program that will ultimately redound to the welfare of our people.

Safeguarding the health of the nation has always been of top priority in my program for the country; for, as I said,

a nation that reverse life cannot but be grateful for it. And being grateful for life, that nation shall so strive to make life constantly honorable, and not only bearable. Life is given to us not for us to bear it as if it were an imposition. Life is given to us not only for us to live it, which is plain common sense; but life is given to us principally so that we may honor it by giving it honorably. This is to reverse life and to be grateful for it.

If we come away from this convention with a very clear conviction that we are all bound by one commitment—the commitment to reverent life—then we shall be true to our professions, true to ourselves, and true most of all to Him who is the creator of all life. In this commitment, may we be blessed forever.

DECISIONS OF THE SUPREME COURT

[No. L-12661. 30 January 1960]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*
FRANCISCO ARANDA, defendant and appellant.

1. CRIMINAL PROCEDURE; CRIMES TO BE PRESENTED ONLY UPON COMPLAINT FILED BY OFFENDED PARTY; WHEN INFORMATION INSUFFICIENT.—The crimes of adultery, concubinage, seduction, abduction, rape or acts of lasciviousness may be prosecuted only upon complaint filed by the offended party or by parents, grandparents, or guardian.
2. *Id.*; *Id.*; INFORMATION OR COMPLAINT NOT HAVING BEEN SUBSCRIBED BY OFFENDED PARTY; COURTS; JURISDICTION.—Where the criminal complaint for “trespass to dwelling with unjust vexation and grave oral slander” filed in the justice of the peace court was subscribed and sworn to by the Chief of Police and the information for “acts of lasciviousness” filed in the Court of First Instance was subscribed by the first Assistant Provincial Fiscal and not by the offended party, and neither was the complaint subscribed and sworn to by the offended party attached to the record of the case transmitted by the Justice of the Peace Court to the Court of First Instance, nor was it offered in evidence at the trial in the latter court, *Held*: such an omission or failure is fatal. Without the complaint of the offended party, the court of first instance acquired no jurisdiction to hear, determine and render judgment in the case.
3. APPEAL AND ERROR; COURTS; JURISDICTION; AFTER PERFECTION OF APPEAL; MOTION TO INCLUDE IN RECORD COMPLAINT SUBSCRIBED BY OFFENDED PARTY.—After the prosecution and the defense had rested their case and the defendant appealed from the judgment rendered, the prosecution moved for the inclusion in the record of the case of the complaint subscribed and sworn to by the offended party which motion was granted by the Court. *Held*: that such step taken did not cure the fatal defect. The defendant’s appeal already had been perfected by the filing of the notice of appeal. After a party has perfected his appeal, the trial court loses its jurisdiction over the case, except to issue orders for the protection and preservation of the rights of the parties which do not involve any matter litigated by the appeal. The leave granted by the trial court to the prosecution to attach to the record of the case the complaint subscribed and sworn to by the offended party, after it had lost jurisdiction over the case, amounts to allowing the prosecution to present additional evidence which is a reversible error.

APPEAL from a judgment of the Court of First Instance of Batangas. Vásquez, *J.*

The facts are stated in the opinion of the Court.

Assistant Solicitor General Antonio A. Torres and *Attorney Jaime M. Lantín* for the plaintiff and appellee.
René A. Diokno for the defendant and appellant.

PADILLA, J.:

In an information subscribed and filed by the First Assistant Provincial Fiscal, Francisco Aranda was charged in the Court of First Instance of Batangas with the crime of acts of lasciviousness, defined and penalized in article 336 of the Revised Penal Code, with the aggravating circumstance of dwelling, committed upon Amparo Villanueva (crim. case No. 999).

Upon arraignment, he entered a plea of not guilty.

After trial, the Court found him guilty as charged and sentenced him to suffer an indeterminate penalty ranging from 4 months and 1 day of *arresto mayor* as minimum, to 4 years, 2 months and 1 day of *prisión correccional*, as maximum, and to pay the costs. He appealed to the Court of Appeals (CA-G.R. No. 15739-R) where, within the extension of time to file his brief granted to him, he filed a motion to quash the information on the ground "that the Court which tried the cause had no jurisdiction of the offense charged or of the person of the defendant," with the reservation that should his motion be denied, he be allowed to file his brief on appeal within fifteen days from notice. As required by the third division of the Court, the Solicitor General filed an answer to the appellant's motion and prayed that it be denied. The third division of the Court resolved to have the motion to quash and answer thereto attached to the record of the case and to bring them to the attention of the division to which the case would be assigned. The second division of the Court, to which it was assigned for decision, required the appellant to show cause within ten days from notice why his appeal should not be dismissed for failure to file his brief within the extension of time previously granted. The appellant explained that because within the extension of time to file his brief previously granted by the Court, he filed a motion to quash the information on the ground of lack of jurisdiction, with the reservation that should it be denied, he be allowed to file his brief within fifteen days from notice, he thought that the period for filing it was stayed while the motion to quash was still pending action by the Court; that he had no intention of abandoning his right to file his brief; and that his motion to quash "is sufficient in substance, if not in form, to serve the function of a brief." He prayed that his motion to quash be resolved; or that he be allowed to file his brief within fifteen days from notice; or that his motion to quash be considered as his brief for the appellant. The second division of the Court resolved to consider the appellant's motion to quash as his brief and required the appellee to file its brief within the reglementary period. After the appellee had complied with the last mentioned order, the

second division of the Court certified the case to this Court for the reason that only a question of law is involved.

The record of the case shows that on 1 April 1954 the chief of police filed a criminal complaint subscribed and sworn to by him in the Justice of the Peace Court of Taal, Batangas, against the appellant for "trespass to dwelling with unjust vexation & grave oral slander" (crim. case No. 386); that after a summary examination of the witnesses, the Justice of the Peace issued a warrant for the arrest of the appellant and fixed the bail for his provincial liberty at ₱2,000, which he filed; that he denied the charge and pleaded not guilty to the complaint; that on 6 April 1954 the Justice of the Peace Court forwarded the record of the case to the Court of First Instance of Batangas; that on 20 July 1954 the First Assistant Provincial Fiscal subscribed and filed in Court an information charging the appellant with the crime of acts of lasciviousness committed upon Amparo Villanueva (crim. case No. 999); that upon arraignment on 18 November 1954, he pleaded not guilty; that after trial, on 18 February 1955 the Court rendered judgment which was promulgated to the appellant on 25 February 1955, finding him guilty of the offense charged and sentencing him to suffer the penalty mentioned at the beginning of this opinion; that on 9 March 1955 the appellant filed his notice of appeal; that on 10 March 1955 Assistant Fiscal Gregorio C. Pañganiban filed a motion in the trial court claiming that, after the termination of the trial of the case on the merits, he discovered that the complaint subscribed and sworn to by the offended party on 19 July 1954 before the Justice of the Peace Court of Batangas was attached to the record of the case in the Office of the Provincial Fiscal and not to the record of the case in the Court; that Assistant Fiscal Pedro O. Sara handled the prosecution of the case at its inception and he (Assistant Fiscal Pañganiban) took over the prosecution of the case from the former when he assumed office; and that this change in the prosecuting fiscals during the trial of the case resulted in confusion and their failure to attach the complaint subscribed and sworn to by the offended party to the record of the case in the Court or introduce it in evidence at the trial of the case, and praying that it be attached to and included in the record of the case in the Court; that on 21 March 1955 the appellant filed an opposition to the motion claiming that the grant of the Fiscal's motion by the Court would amount to allowing the prosecution to present additional evidence after the trial court already had been divested of its jurisdiction over the case by the appeal taken by the appellant, and praying that the Fiscal's motion be expunged from the record; that on 22 August

1955 the trial court granted the Fiscal's motion, ordering the inclusion in the record of the case of the complaint subscribed and sworn to by the offended party on 19 July 1954 before the Justice of the Peace Court of Batangas; overruled the appellant's opposition and denied his motion to have the motion of the Assistant Provincial Fiscal expunged from the record.

The crimes of adultery, concubinage, seduction, abduction, rape or acts of lasciviousness may be prosecuted only upon complaint filed by the offended party or her parents, grandparents, or guardian.¹ The failure to comply with this requirement is a fatal error.² The fact that at the beginning of the first paragraph of the information it recites that it is filed "at the instance of the offended party," is not sufficient to comply with the legal requirement.³

The criminal complaint for "trespass to dwelling with unjust vexation & grave oral slander" filed on 1 April 1954 in the Justice of the Peace Court of Taal, Batangas, was subscribed and sworn to by the chief of police and the information for "acts of lasciviousness" filed on 20 July 1954 in the Court of First Instance of Batangas was subscribed by the First Assistant Provincial Fiscal and not by the offended party. Neither was the complaint subscribed and sworn to by the offended party attached to the record of the case transmitted by the Justice of the Peace Court of Taal to the Court of First Instance of Batangas, nor was it offered in evidence at the trial of the case in the Court of First Instance. Such an omission or failure is fatal. Without the complaint of the offended party the Court of First Instance acquired no jurisdiction to hear, determine and render judgment in the case.

The fact that, after the prosecution and the defense had rested their case and the defendant appealed from the judgment rendered, the prosecution moved for the inclusion in the record of the case of the complaint subscribed and sworn to by the offended party, which motion was granted, did not cure the fatal defect. The defendant's appeal already had been perfected by the filing of the notice of appeal. After a party has perfected his appeal, the trial court loses its jurisdiction over the case, except to issue orders for the protection and preservation of the rights of the parties which do not involve any matter litigated by the appeal.¹ The leave granted by the trial court to

¹ Article 344, Revised Penal Code.

² *U.S. vs. Narvas*, 14 Phil. 410; *U.S. vs. Cruz*, 20 Phil. 363; *People vs. Trinidad*, 58 Phil. 163; *People vs. Manaba*, 58 Phil. 665; *People vs. Ugalde* (unpublished), 58 Phil. 968; *People vs. Mandia*, 60 Phil. 372; *Tolentino vs. de la Costa*, 66 Phil. 97; *People vs. Palabao*, G. R. No. L-8027, 31 August 1954.

³ *People vs. Palabao*, *supra*.

Director of Prisons vs. Tesoro, Sr., 51 Off. Gaz. 4038.

the prosecution to attach to the record of the case the complaint subscribed and sworn to by the offended party, after it had lost jurisdiction over the case, amounts to allowing the prosecution to present additional evidence. This is a reversible error. The case of *People vs. Perido*, 44 Off. Gaz. 2764, cited by the appellee, does not apply to the case at bar. There the mother of the offended party actually signed the complaint and it was attached to the record of the case in the Justice of the Peace Court but during the trial in the Court of First Instance, the prosecuting fiscal failed to introduce it in evidence. However, after the defendant had appealed, the complaint subscribed and sworn to by the mother of the offended party was transmitted to the Court of First Instance to form part of the record of the case. Here, the complaint subscribed and sworn to by the offended party was not filed in the Justice of the Peace Court or in the Court of First Instance and did not form part of the record of the case of either Court. It was subscribed and sworn to by her only on 19 July 1954, a day before the information subscribed by the First Assistant Fiscal was filed in court (Annex A) and it was not introduced in evidence by the prosecution at the trial of the case.

The appellant's motion to quash the information is granted, without pronouncement as to costs.

Parás, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., Endencia, and Gutierrez David, JJ., concur.

Motion to quash granted.

[No. L-12754. January 30, 1960]

ESTANISLAO ALFONSO, plaintiff and appellant, *vs.* PASAY CITY, defendant and appellee.

1. **PRESCRIPTION; REGISTERED PROPERTY CANNOT BE LOST BY PRESCRIPTION.**—It appears that the registered owner with a Torrens Title of the parcel of land in the case at bar has lost possession way back in 1925 because it was taken by the Municipality of Pasay for road purposes. It was never paid for, and the ownership thereof remained in the name of the registered owner. No annotation on said title was made as to any right, say easement of right of way, which the City Pasay might have acquired over the land. The registered owner has made demands as any owner of a valuable registered property would do, but as usually the case, perhaps the demands were either ignored or action thereon was postponed and perhaps forgotten with the changes of administrator in Pasay that occurred since 1925 up to 1954 when the said registered owner brought the present action to recover either the possession of the parcel or its value, *Held*: that registered lands are not subject to prescription and that on grounds of equity the government should pay for private property which it appropriates, though for the benefit of the public, regardless of the passing of time.
2. **EMINENT DOMAIN; SUPREME COURT ABHORS PRACTICE OF TAKING PRIVATE PROPERTY SHORT OF LEGAL PROCESS OF EXPROPRIATION; DELAYED PAYMENT.**—The Supreme Court does not look with favor on the practice of the Government or any of its branches, of taking away property from a private landowner, especially a registered one, without going through the legal process of expropriation or a negotiated sale and paying for said property without delay. The private owner is usually at a great and distinct disadvantage. He has against him the whole Government central or local, that has occupied and appropriated his property, summarily and arbitrarily, sometime, if not more often, against his consent. There is no agreement as to its price or its rent. In the meantime, the landowner makes requests for payment, rent, or even some understanding, patiently waiting and hoping that the Government would soon get around to hearing and granting his claim. The officials concerned may promise to consider his claim and come to an agreement as to the amount and time for compensation, but with the not infrequent government delay and red tape, and with the change in administration, especially local, the claim is pigeonholed and forgotten and the papers lost, mislaid, or even destroyed as happened during the last war. And when finally losing patience and hope, he brings a court action and hires a lawyer to represent him in the vindication of his valid claim, he faces the government represented by no less than the Solicitor General or the Provincial Fiscal or City Attorney, who blandly and with selfassurance, invokes prescription. The litigation sometimes drags on for years, *Held*: That is neither just nor fair. When a citizen, because of this practice loses faith in the government and its readiness and willingness to pay for what it gets and appropriates, in the future said citizen would now allow the Government to even enter his property unless condemnation proceedings are first initiated, and the value of the property, as provisionally ascertained by the Court, is deposited subject to his disposal. This would mean delay and difficulty for the Government, but all of its own making.

3. ID.; TO DETERMINED DUE COMPENSATION; PRICE OR VALUE AT THE TIME OF TAKING.—To determine due compensation for lands appropriated by the government, the basis should be the price or value at the time that it was taken from the owner and appropriated by the Government.

APPEAL from a judgment of the Court of First Instance of Rizal (Pasay City). Pérez, *J.*

The facts are stated in the opinion of the Court.

A. V. Villacorta for the plaintiff and appellant.

City Attorney Francisco G. H. Salva and *Assistant City Attorney Herminio A. Avendaño* for the defendant and appellee.

MONTEMAYOR, *J.*:

Estanislao Alfonso is appealing from the decision of the Court of First Instance of Rizal (Pasay City Branch), dated November 26, 1958, Civil Case No. 1489-P, dismissing his complaint on the ground of laches and prescription. The decision is based on a stipulation of facts submitted by the parties. For this reason, we are reproducing the statement of facts made by the trial court, which is as follows:

"The parties herein entered into a stipulation of facts. The undisputed facts are: Lot No. 4368 containing an area of 719.92 sq. meters, situated in Pasay City is covered by transfer certificate of title No. 1057 (30999) in the name of plaintiff Estanislao Alfonso. In 1925, the then Municipality of Pasay extended Park Avenue, a public street southward and the extension passed through lot 4368 so that said lot was thereby converted into a part of Park Avenue extension. In converting lot No. 4368 as part of Park Avenue extension, no expropriation proceedings was instituted by the then municipality of Pasay and neither was herein plaintiff paid any compensation for the lot. Since 1925 to the present the lot was continually used as a part of Park Avenue extension. Because of the failure of the municipality of Pasay or its successor, defendant Pasay City, to pay for the rental or the value of lot 4368 or to return the same when demanded to do so by plaintiff, the latter filed the present action on July 20, 1954."

This is a case where a registered owner of a parcel of land has possession way back in 1925 because it was taken by a municipal corporation (Municipality of Pasay) for road purposes. It was never paid for, and so the ownership thereof remained in the name of the registered owner. No annotation on said title was made as to any right, say easement of right of way, which the City of Pasay might have acquired over the land. There is some doubt as to whether Estanislao Alfonso ever made demands for the payment of his property which was taken away from him without the benefit of either expropriation proceedings or a negotiated sale. However, there is reason to believe that Alfonso has made such demands as any owner of a valuable registered property would do, but

as usually the case, perhaps the demands were either ignored or action thereon was postponed and perhaps forgotten with the changes of administration in Pasay that occurred since 1925 up to 1954 when Alfonso finally brought the present action to recover either the possession of the parcel or its value.

The present case finds its parallel in the recent case of *Herrera vs. Auditor General*, G. R. No. L-10776, decided by this Tribunal on January 23, 1958, where a registered owner of land in Quezon City was deprived of its possession when it was taken over by the city government for road purposes. The owner thereof made demands for the payment of his land, and although the City Attorney of Quezon City indorsed favorable action on the claim, however, the Auditor General rejected said claim on the ground of prescription. There, we held that registered lands are not subject to prescription, and that on grounds of equity, the government should pay for private property which it appropriates, though for the benefit of the public, regardless of the passing of time. This Tribunal does not look with favor on the practice of the Government or any of its branches, of taking away property from a private landowner, especially a registered one, without going through the legal process of expropriation or a negotiated sale and paying for said property without delay. The private owner is usually at a great and distinct disadvantage. He has against him the whole Government, central or local, that has occupied and appropriated his property, summarily and arbitrarily, sometimes, if not more often, against his consent. There is no agreement as to its price or its rent. In the meantime, the landowner makes requests for payment, rent, or even some understanding, patiently waiting and hoping that the Government would soon get around to hearing and granting his claim. The officials concerned may promise to consider his claim and come to an agreement as to the amount and time for compensation, but with the not infrequent government delay and red tape, and with the change in administration, specially local, the claim is pigeonholed and forgotten and the papers lost, mislaid, or even destroyed as happened during the last war. And when finally losing patience and hope, he brings a court action and hires a lawyer to represent him in the vindication of his valid claim, he faces the government represented by no less than the Solicitor General or the Provincial Fiscal or City Attorney, who blandly and with self-assurance, invokes prescription. The litigation sometimes drags on for years. In our opinion, that is neither just nor fair. When a citizen, because of this practice loses faith in the government and its readiness and willingness to pay for what it gets and appropriates, in the

future said citizen would not allow the Government to even enter his property unless condemnation proceedings are first initiated, and the value of the property, as provisionally ascertained by the Court, is deposited, subject to his disposal. This would mean delay and difficulty for the Government, but all of its own making.

In the case of *Herrera vs. Auditor General*, *supra*, we said:

"Here before us is a case of a law abiding citizen and taxpayer who as far back as 1934, realizing the need of the Government of his lot for road purposes, instead of compelling said Government to resort to expropriation proceedings, readily and in all ingenuousness allowed the Government to immediately occupy it. In his implicit trust in his Government, he did not even bother to require it to make a judicial deposit of the approximate value of his land, not even to make an offer of a price it would pay for it. But since then, he has continuously asked for the payment of said fair price as a condition precedent to his conveyance and sale of the property. But the government neglected to make an offer, much less make payment, then evidently forgot all about it, and now it flatly refuses to pay, evidently forgetting that it had also neglected to secure a conveyance of the property, so that Herrera, as already stated, is still the owner of the same. In other words, there has never been a sale by Herrera to the Government. To legalize its possession of the lot, the Government must buy it from Herrera and pay him reasonable compensation. The very Constitution enjoins it. As already said, the Government, through the City Engineer, has made an offer of an amount, not of the lot's value in the open market, but only of its assessed value, which as everyone knows, is usually much below its real value. Herrera either tired of waiting for payment, or in a spirit of cooperation with his Government, agreed to the amount of said assessed value as the purchase price, and formally accepted the offer in 1955, and yet that same Government apparently ignoring all these facts and repudiating its offer, refuses to make payment, at the same time insisting to collect and actually collecting the real estate taxes for land which it had been occupying all these years. What we have just narrated and described does not make and form a pretty and edifying spectacle which could be presented to the citizens and taxpayers for their contemplation and inspiration. The only bright spots in the otherwise somber picture are the attitude and actions taken by the District Engineer, the Quezon City Engineer, and the City Attorney, who after due investigation, upheld the valid claim of Herrera, and recommended that he be paid just compensation. There is nothing that can more speedily and effectively embitter a citizen and taxpayer against his Government and alienate his faith in it, than an injustice and unfair dealing like the present case."

In the present case, Alfonso remains up to now the owner of the land in question, Lot No. 4368 of the Cadastral Survey of Pasay, because being registered land, the City of Pasay or its predecessor, Municipality of Pasay, did not and could not acquire it thru prescription. As registered owner, he could bring an action to recover possession at any time because possession is one of the attributes of ownership of land. However, said restoration

of possession by the City of Pasay is neither convenient nor feasible because it is now and has been used for road purposes. So, the only relief available is for the City of Pasay to make due compensation, which it could and should have done years ago since 1925.

As to the value of the property, although the plaintiff claims the present market value thereof, the rule is that to determine due compensation for lands appropriated by the Government, the basis should be the price or value at the time that it was taken from the owner and appropriated by the Government. According to the stipulation of facts, the value of the land in 1925 was ₱1.25 per square meter. So, for the area of 719.92 square meters, the value will be said area multiplied by ₱1.25. Inasmuch as the City of Pasay has not been paying rent for the use of the land since 1925, thereby causing damages in favor of the owner, said damages may be assessed in the form of legal interest on the price since 1925, up to the time when payment is made by the City of Pasay. In our opinion, the defendant city should also pay for attorney's fees which we fix in the amount of ₱400.00.

IN VIEW OF THE FOREGOING, the appealed decision is reversed, with costs against defendant-appellee, Pasay City.

Parás C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepción, Reyes, J.B.L., Endencia, Barrera, and Gutiérrez David, JJ., concur.

Judgment reversed.

[No. L-13488. January 30, 1960]

MAURO PRIETO, petitioner, *vs.* HON. HIGINIO B. MACADAEG as Judge of the Court of First Instance of Manila, Branch X; LUIS ALCANTARA AND AURORA ALCANTARA, respondents.

EMINENT DOMAIN; EXPROPRIATION OF LANDED ESTATES; SUSPENSION OF EJECTMENT PROCEEDINGS; PROPRIETY OF CERTIORARI AND MANDAMUS.—Section 5 of Republic Act No. 1162, as amended by Republic Act No. 1599, provides that from the approval of said Act ejectment proceedings against any tenant or occupant of any landed estates or haciendas or lands therein authorized to be expropriated, shall be suspended for a period of two years, provided that “if any tenant or occupant is in arrears in the payment of rentals or any amounts due in favor of the owners of said landed estates or haciendas or lands, the amount legally due shall be liquidated and shall be payable in eighteen equal monthly installments from the time of liquidation * * * .” The lower court, in the case at bar, by suspending the action of unlawful detainer until after the termination of the action for expropriation pending before another sala of the same court, ignored the express provision of the law and in effect denied the petitioner a right expressly recognized in the law. Such denial amounts to a refusal to grant petitioner a property right and constitutes a clear abuse of discretion, subject to review by certiorari and mandamus.

ORIGINAL ACTION in the Supreme Court. Certiorari and Mandamus.

The facts are stated in the opinion of the Court.

Calixto A. Munda for the petitioner.

Ramos, Nery & Maglipon for the respondents.

LABRADOR, J.:

This is an original action for certiorari and mandamus against two orders of the Court of First Instance of Manila, Hon. Higinio Macadaeg, presiding, dated November 27, 1957 and January 23, 1958, suspending the present action of unlawful detainer until after the action for expropriation pending before another sala of the (this) court shall have been terminated. (Annex “LL”.)

The record discloses that petitioner is the owner of a parcel of land containing an area of about 55,424.27 square meters, suitable for residential purposes, within which defendants are occupying a lot of 598.80 square meters situated on Gen. Geronimo St. No. 107 and on which defendants have built a house. The monthly rental of the lot is ₱12.50 and defendants were in arrears in the payment of the monthly rentals in the sum of ₱508.46 itemized as follows:

Balance due for the year 1952	₱250.16
Balance due for the year 1953	₱147.60
Balance due for the period from January to September 1954	110.70
	<hr/> ₱508.46

The above amount was found to be due by a first decision of the Municipal Court of Manila dated October 18, 1954 (Annex Exh. "C"). Upon presentation of a motion by defendants in said case, said court modified its first decision and ordered the ejectment of defendants from the land after five years from date of decision, and requiring them to pay the arrears in the rentals amounting to ₱508.46 plus the rentals from October, 1954 at the rate of ₱12.30 a month until the land is vacated. (Annex Exh. "I"). The case was appealed to the Court of First Instance of Manila and after a hearing partly based on a stipulation of facts and on the pleadings, the Court of First Instance entered the order of November 27, 1957 now sought to be set aside, which is sought to be reversed on the ground that the court committed a grave abuse of discretion in issuing the same.

There seems to be no question that defendants, respondents herein, have been in arrears in the payment of the monthly rentals, although the lame excuse is given that the collector of the petitioner has not been going to defendants-respondents to collect their rentals. Respondents herein opposed a petition for the execution of the judgment of the Municipal Court based on the provisions of Rule 72, Rules of Court, mainly upon the provisions of Republic Act No. 1162, as amended by Republic Act No. 1599, enacted June 17, 1956, the pertinent provisions of which are as follows:

"SEC. 1. The expropriation of landed estates or haciendas, or lands which formerly formed part thereof, in the City of Manila, which are and have been leased to tenants for at least ten years, is hereby authorized: *Provided*, That such lands shall have at least fifty houses of tenants erected thereon."

"SEC. 5. From the approval of this Act, and even before the commencement of the expropriation herein provided, ejectment proceedings against any tenant or occupant of any landed estates or haciendas or lands herein authorized to be expropriated, shall be suspended for a period of two years, upon motion of the defendant, if he pays his current rentals, and such suspension shall continue upon the filing of expropriation proceedings until the final determination of the latter: *Provided, however*, That if any tenant or occupant is in arrears in the payment of rentals or any amounts due in favor of the owners of said landed estates or haciendas or lands, the amount legally due shall be liquidated and shall be payable in eighteen equal monthly installments from the time of liquidation, but this payment of rentals in arrears shall not be a condition precedent to the suspension of ejectment proceedings: *Provided, further*, That the rentals being collected from the tenants of the landed estates or haciendas or lands herein authorized to be expropriated, shall not be increased above the amounts of rentals being charged as of December thirty-one, nineteen hundred and fifty-three, except in cases where there are existing rental contracts for a period which expired on said date, in which case the court shall fix a reasonable rental not exceeding eight per centum of the assessed value on December thirty-one, nineteen hundred and fifty-three, but, in any case, if after said date there has been an increased in assessment,

the rental may also be increased by the corresponding amount of actual increase in the land tax: *Provided, furthermore*, That no lot or portion thereof actually occupied by a tenant or occupant shall be sold by the landowner to any other person than such tenant or occupant, unless the latter renounces in a public instrument his rights under this Act: *Provided, finally*, That if there shall be tenants who have constructed *bona fide* improvements on the lots leased by them, the rights of these tenants should be recognized in the sale or in the lease of the lots, the limitation as to area in section three notwithstanding." (Italics supplied.)

The order suspending the action was based on a motion presented by respondents herein, dated November 14, 1957, attaching thereto a complaint filed in the Court of First Instance of Manila for the expropriation of properties of petitioner and Antonio Prieto filed in said court around August 7, 1957, Civil Case No. 33385, entitled "Republic of the Philippines (by Land Tenure Administration) vs. Antonio Prieto & Mauro Prieto (see Annex Exh. "GG," Annex "1").

The respondents claim that there has been no abuse of discretion on the part of the judge below and that, in any case, petitioner could have availed himself of an action to collect the arrears in rent. There is no doubt in the mind of this Court that in suspending the action, the judge below ignored the express provision of Section 5 of Republic Act No. 1162, as amended by Republic Act No. 1599, above-quoted, which directs the liquidation of the arrears in rents and the payment of the liquidated amount in eighteen equal monthly installments. The order of the court denied the rights of petitioner to be paid immediately the rentals in arrears, which right is expressly recognized in the law. Such denial amounts to a refusal to grant petitioner a property right and constitutes a clear abuse of discretion, subject to review by certiorari and mandamus. The remedy suggested by respondents, i. e., the filing of an ordinary action, would neither be speedy nor adequate, taking into account that judicial proceedings can be unduly delayed by parties by taking advantage of postponements of proceedings and of costly appeals.

For the foregoing considerations, the orders sought to be annulled are hereby set aside and the case is remanded to the court below for action or proceedings in accordance with Section 5 of Republic Act No. 1599. Costs against the respondents Luis Alcantara and Aurora Alcantara.

SO ORDERED.

Bengzon, Padilla, Montemayor, Bautista Angelo, Reyes J. B. L., Endencia, Barrera, and Gutierrez David, JJ., concur.

Parás, C. J., reserves his vote.

Mr. JUSTICE CONCEPCIÓN, concurs in part and dissents in part:

I concur in the view that the respondent Judge erred in not requiring respondents, Luis Alcantara and Aurora Alcantara, to pay, in conformity with the provisions of Section 5 of Republic Act No. 1599, the amounts due to the owners of the land in question. However, I am constrained to dissent from the majority decision, insofar as it sets aside fully the Orders of November 27, 1957 and January 23, 1958, suspending the action for unlawful detainer, inasmuch as said section 5 explicitly provides that the "payment of rentals in arrears shall *not be a condition precedent to the suspension of ejectment proceedings.*"

Order set aside.

[No. L-13280. February 25, 1960]

LAND TENURE ADMINISTRATION, et al., petitioners, *vs.* THE HONORABLE HIGINIO B. MACADAEG, in his capacity as Judge of the Court of First Instance of Manila and ALEJANDRO T. LIM, respondents.

VENUE; SALE OF LAND UNDER LEASE; VENUE DETERMINED BY THE NATURE OF PRINCIPAL CLAIM.—Where the lessee seeks to establish an interest in an hacienda that runs with the land and one that must be respected by the purchaser of the land even if the latter is not a party to the original lease contract, the question of whether or not the standing crop is immovable property becomes irrelevant, for venue is determined by the nature of the principal claim. Since the lessee is primarily interested in establishing his right to recover possession of the land for the purpose of enabling him to gather his share of the crops, his action is real and must be brought in the locality where the land is situated.

ORIGINAL ACTION in the Supreme Court. Certiorari and Prohibition with Preliminary Injunction.

The facts are stated in the opinion of the Court.

Adriano D. Lomuntad and *Gaudencio Besa* for the petitioners.

Juan T. David and *Baizas & Balderrama* for the respondents.

REYES, J. B. L., J.:

Petition for certiorari and prohibition with preliminary injunction to enjoin the respondent Hon. Higinio B. Macadaeg, in his capacity as judge of the Court of First Instance of Manila, from enforcing his order of December 20, 1957 in Civil Case No. 34453.

On December 9, 1957, respondent Alejandro Lim filed a complaint with injunction against the petitioners herein before the Court of First Instance of Manila. The complaint alleges substantially that the plaintiff was the lessee of two parcels of riceland, known as "Hacienda de Leon", situated in the Municipality of Talavera, Nueva Ecija, with Transfer Certificate of Title Nos. NT-21932 and NT-21866. Sometime in August, 1957, the owners of the said Hacienda sold it to the Land Tenure Administration for purposes of subdivision and resale to tenants, pursuant to Republic Act No. 1400. Plaintiff, however, claims that he has planted rice in the land in dispute, with consequent ownership of 30% of the harvest for the agricultural year 1957-58, and prayed that the defendant Land Tenure Administration (petitioner herein) be restrained from preventing the plaintiff's entry in the land for the purpose of gathering the standing crops thereon and to enjoin the other defendants, officials of the Land Tenure Administration, from taking and appropriating the same for the benefit of the Administration.

The defendants made a special appearance before the court seeking the dismissal of the complaint on the ground of improper venue. The respondent Judge denied the motion, and in the same order of denial, issued the writ of preliminary injunction prayed for by the plaintiff. Hence, this petition.

In a resolution of this Court, dated the 27th of December, 1957, the Clerk of Court was authorized to issue, without bond, a writ of preliminary injunction to restrain the enforcement of the lower court's order of December 20, 1957 until further notice from this Supreme Court.

The question of venue is the sole issue here. The petitioners argue that the *standing crops referred* to in the complaint are real or immovable property under Article 415 (2) of the Civil Code of the Philippines, and, therefore, the action should have been instituted in the Court of First Instance of Nueva Ecija, where the property is situated. Respondent Lim, on the other hand, contends (and the lower court so held) that standing crops, when owned by one other than the owner of the land in which they grow, are considered personality, and thus the suit may be filed in any court of proper jurisdiction where either of the parties reside or may be found at the elections of the plaintiff.

In our opinion, the problem was incorrectly posed. Analysis of the complaint filed in the Court below reveals that respondent Alejandro T. Lim's basic stand, and which he sought to vindicate, was the continuation of his leasehold rights notwithstanding the sale of the Hacienda de Leon to the Land Tenure Administration by the original owners and lessors. The claim of ownership of 30% of the crop is accessory to the leasehold, and but a consequence thereof. This is apparent from the following allegations (Annex A, petition):

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"At the time, however, that the said Hacienda was sold to the Land Tenure Administration as mentioned above, plaintiff was still the lessee of the same and had already planted the property to palay for the agricultural year 1957-58, through his tenants, and which crops now existing on the said Hacienda are now partly being harvested and will be totally harvested by the months of December, 1957, and January, 1958;"

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"After the sale of the said Hacienda de Leon to the Land Tenure Administration, defendants refused to recognize the leasehold rights of the plaintiff over the said property, and now maintain that said property was purchase (SIC) by the said government entity from the former owners, free from all liens and encumbrances, and now also refuse to allow plaintiff to enter into possession of the property, and to gather the standing crops, notwithstanding the fact that both the former owners (lessors) and the present owner, the Land Tenure Administration, had nothing to do with the preparation, cultivation and planting of the said crops;"

"As there were already standing crops on the said Hacienda at the time it was sold by the former owners to the Land Tenure Administration, and as said property was then still under lease to plaintiff who made the plantings, the said lease, being one on rural land, was not and cannot be terminated by the defendants who had knowledge of the existence of the lease, until after the harvest. Even assuming that defendants had no knowledge of the said lease, which is not the fact, and that the buyer made use of its right to terminate the same, the plaintiff nevertheless has the right to enter the premises to gather the crops for the current agricultural year (Article 1674, Civil Code).

In other words, the respondent Lim sought to establish an interest in the Hacienda de Leon that ran with the land and one that must be respected by the purchaser, even if the latter was not a party to the original lease contract. That being the case, whether the standing crop is or is not immovable property is not relevant, for venue is determined by the nature of the principal claim. It is apparent that the plaintiff is primarily interested in establishing his right to recover possession of the land for the purpose of enabling him to gather his share of the crops. Hence, his action is real and must be brought in the locality where the land is situated. Section 3, Rule 5 of the Rules of Court, provides:

"SEC. 3. *Real action*.—Actions affecting title to, or for recovery of possession, or for partition or condemnation of, or foreclosure of mortgage on, real property, shall be commenced and tried in the province where the property or any part thereof lies."

In *De la Cruz vs. Seminary of the Archdiocese of Manila* (18 Phil. 330), this Court, quoting from *Neill vs. Owen*, 3 Tex. 145, laid the rule on venue to be as follows:

"If the action is founded on privity of contract *between the parties*, then the action, whether debt or covenant, is *transitory*. But if there is no privity of contract, and the action is founded on privity of estate only, such as a *covenant that runs with the land in the hands of the remote grantees*, then the action is *local* and must be brought in the country wherein the land lies." (Italics supplied)

The action brought by respondent Lim falls squarely under the second rule given in the quoted paragraph. It is uncontested that the Land Tenure Administration was neither a party to the lease contract nor an assignee thereof. The Land Tenure Administration is sued on the theory that it is duty bound to recognize and respect Lim's rights as lessee, the implied premise being that the lease operates against the new owner of the land leased even if the lessee is not recorded, because the Land Tenure Administration's knowledge of the existence of the lease supplies the want of registration. Hence, petitioners correctly contend that Lim's action must be brought in the First Instance Court of Nueva Ecija, the province where the land lies, and not in the courts of the City of Manila.

WHEREFORE, the petition for a writ of certiorari is granted. The order of December 20, 1957, appealed from, is set aside and the action instituted by Alejandro T. Lim in the Court of First Instance of Manila (Civil Case No. 34453) is ordered dismissed, but without prejudice to its renewal in the Court of First Instance of Nueva Ecija. The preliminary injunction heretofore issued by this Court is made permanent. Costs against respondent Lim.

SO ORDERED.

Parás, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepción, Endencia, Barrera, and Gutiérrez David, JJ., concur.

Writ of certiorari granted.

DECISIONS OF THE COURT OF APPEALS

[No. 17211-R. July 18, 1960]

PONCIANA ISIDRO, plaintiff and appellee, *vs.* FELINA ACUÑA, defendant and appellant.

1. DAMAGES; CRIMINAL PROSECUTION; EFFECT OF ACQUITTAL UPON CIVIL LIABILITY; "RES JUDICATA" INAPPLICABLE.—The acquittal of an accused in a criminal case on the ground that his guilt has not been proved beyond reasonable doubt does not relieve him of civil liability. Article 29, New Civil Code; *People vs. De Castillo*, 48 Off. Gaz. 4890; *Republic vs. Assad*, 51 Off. Gaz. 703. The doctrine of *res judicata* cannot be invoked in such cases.
2. ID.; MORAL DAMAGES; RECOVERY RESTRICTED TO INJURED PERSON.—The right to recover moral damages for mental suffering resulting from bodily injuries is restricted to the person who suffered the bodily harm. It cannot be availed of by another, irrespective of the relationship he may have with the injured person. *Quisumbing vs. Mercado*, CA-G. R. No. 18508-R, July 7, 1958; *Strebel vs. Figueras*, G. R. No. L-4722, December 29, 1954.
3. ID.; ID.; SLANDER; NOT ALL DEROGATORY OR DISPARAGING WORDS ARE ACTIONABLE; REQUISITES.—The right to recover damages for derogatory or disparaging words does not obtain in all cases. To warrant reparation, the words must impute some offense against the law punishable criminally, or tend to make the party subject to disgrace, ridicule or contempt, or affect one injuriously in his office, profession, trade or occupation. Merely insulting or abusive words are not actionable, unless they constitute defamation punishable by law.

APPEAL from a judgment of the Court of First Instance of Manila. *Solidum, J.*

The facts are stated in the opinion of the Court.

Guanlao & Herrera, for defendant and appellant.

Ricardo C. Goyenechea, for plaintiff and appellee.

NATIVIDAD, *J.*:

This is an action for damages. It is now before this Court on the appeal interposed by the defendant against the judgment rendered therein, dismissing plaintiff's complaint and defendant's counterclaim with costs to the plaintiff.

The facts are in the main not disputed. It appears that the plaintiff, Ponciana Isidro, and the defendant, Felina Acuña, lived in neighboring houses at Francisco Street, Tondo, Manila. The house of the defendant was erected on a lot belonging to the spouses Francisco Tioyao and Dolores Salonga, plaintiff's children. On January 27, 1955, the spouses Tioyao filed in the municipal court of the City of Manila against the defendant an action of

unlawful detainer to eject her from that lot. The latter resisted the action.

On February 4, 1955, while the unlawful detainer case above referred to was still pending, defendant's minor son Cecilio Sasan was bitten by plaintiff's dog. For this incident, Cecilio Sasan was given anti-rabbies injections. In the morning of May 21, 1955, the plaintiff came in front of the house of the defendant, and in the presence of several persons therein present uttered, in a loud voice, the following words in Tagalog: "Walang hiya kayo! Matapang ang hiya ninyo! Mga talabahan ang mukha ninyo! Tina-taba na ninyo ang mukha ninyo! Ayaw kayo umalis! Pumaparis kayo ki Castelo, natalo na ay lumalaban pa."

On account of the above incidents, the defendant filed in the municipal court of the City of Manila two criminal complaints: the one charging the plaintiff with the crime of less serious physical injuries thru reckless imprudence was docketed as Criminal Case No. D-46934 of that court, and the other, charging the crime of slander, was docketed as Criminal Case No. D-44497 of the same court. After due trial, the plaintiff was acquitted of both charges, on the ground that her guilt of the crimes was not proved beyond reasonable doubt.

Subsequent to her acquittal of the charges above referred to, the plaintiff filed the present action. She claims that said charges were malicious and only filed for the purpose of harassing her, and that as by reason thereof she lost the goodwill of her customers, suffered social humiliation, and incurred in expenses, there should be awarded to her compensatory and moral damages and attorney's fees in the total sum of ₱11,482.00.

The defendant resists the action, and, in counterclaim, asks for judgment in the sum of ₱17,500.00 as compensatory, moral and exemplary damages and attorney's fees, alleging that by reason of the biting of her minor son by plaintiff's dog and the utterance by the plaintiff of the insulting words above referred to, she incurred expenses and suffered wounded feelings, social humiliation and besmirched reputation. The plaintiff failed to answer this counterclaim and she was declared in default.

After trial, the lower court rendered judgment, dismissing plaintiff's complaint and defendant's counterclaim with costs against the former. From this judgment, as already stated, the defendant appealed only in so far as it dismissed her counterclaim and failed to award damages in her favor. The plaintiff did not appeal.

In his brief, counsel for the appellant makes only one assignment of error, to wit:

"The court *a quo* erred in dismissing defendant-appellant's counterclaim and in not ordering plaintiff Ponciana Isidro to pay damages to said defendant-appellant and the latter's son."

It is contended under this lone assignment of error that as the acquittal of the appellee of the criminal charges above referred to does not constitute evidence of innocence in a subsequent civil action based upon the alleged criminal acts, and that appellant's counterclaim, which the appellee failed to answer, is supported by a preponderance of evidence, the trial court committed error in dismissing said counterclaim.

There can be no question that the appellant had the right to file the counterclaim alleged in her answer. The law is clear that the acquittal of an accused in a criminal case on the ground that his guilt has not been proved beyond reasonable doubt does not relieve the accused of civil liability. Article 29, New Civil Code; *People vs. De Castillo*, 48 Off. Gaz. 4890; *Republic vs. Assad*, 51 Off. Gaz. 703. The doctrine of *res judicata* cannot be invoked in such cases.

We are, however, of the opinion that, upon the evidence of record, the appellant is not entitled to any redress in damages or attorney's fees. There is no sufficient evidence upon which an award for compensatory damages may be based. The appellant merely testified that on account of the injuries received by her son when appellee's dog bit him and because of the derogatory remarks uttered against her by said appellee she incurred in expenses. What said expenses consisted of and how much she spent, she, however, failed to state. There can be no recovery either for moral damages for the incidents in question. As regards the incident that gave rise to the filing against the appellee of the charge for less serious physical injuries thru reckless imprudence, the appellant may have suffered fright, mental anguish and serious anxiety on account of the injuries received by her son. That was but natural to expect of a mother. She may have also suffered some sort of social humiliation and wounded feelings for the derogatory remarks uttered against her by the appellee. But it is well-settled rule that the right to recover moral damages for mental suffering resulting from bodily injuries is restricted to the person who suffered the bodily harm, and that no recovery of damages for such suffering can be secured by another, irrespective of the relationship he may have with the injured person. *Quisumbing vs. Mercado*, CA-G. R. No. 18508-R, July 7, 1958; *Strebel vs. Figueras*, G. R. L-No. 4722, December 29, 1954.

With respect to the incident which was the subject-matter of the criminal case for slander, the right to recover damages for derogatory or disparaging words does not obtain in all cases. It is also well-settled rule that for derogatory or disparaging words to warrant reparation in damages, they must be defamatory, i.e., the words must impute some offense against the law punishable criminally,

or tend to make the party subject to disgrace, ridicule or contempt, or affect one injuriously in his office, profession, trade or occupation. Words spoken that are merely insulting or abusive are not actionable, unless they constitute defamation punishable by law. The general principles on the subject prevailing in common law jurisdictions, which must be deemed to have application in this jurisdiction, Article 2198, New Civil Code, have been summed up in an early case by the Supreme Court of Virginia, as follows:

"The common law does not give reparation for all derogatory or disparaging words. To make such words actionable, unless special damage be shown, they must impute some offense against the law, punishable criminally; or the having a contagious disorder tending to exclude from society, or which may affect one injuriously in his office or trust, or in his trade, profession, or occupation; or which, in the case of a libel or written slander, tend to make the party subject to disgrace, ridicule, or contempt. Words spoken that are merely vituperative, or insulting, or imputing only disorderly, or immoral conduct, or ignoble habits, propensities, or inclinations, or the want of delicacy, refinement, or good breeding, are not regarded by the common law as sufficiently substantial to be treated as injuries calling for redress in damages." (37 A.L.R., pp. 884-885).

The words uttered on the occasion in question do not impute upon the appellant the commission of a particular crime, and, under the concomitant circumstances, they can not be regarded as attributing to the appellant a derogatory vice or defect, or tending to cause her dishonor or discredit. They are mere vulgar abuses against which, as the Supreme Court of Delaware said, one "needs no other protection than a good character", *Rice vs. Simmons*, 7 Harr. 417, 31 Am. Dec. 766, and about which the law should not concern itself. *De minimis non curat lex*.

The appellant is not entitled to recover attorney's fees either. The instant action is not absolutely unfounded. Appellee was prosecuted by her in two criminal actions. By reason thereof, the former had incurred in expenses and must have suffered some sort of social humiliation, besmirched reputation and wounded feelings. Having been acquitted of said charges, it was not without some reason that she believed she was entitled to some redress in damages from the appellant.

WHEREFORE, we find that the judgment appealed from is in accordance with law and supported by the evidence. Consequently, the same is hereby affirmed, without pronouncement as to costs in this instance.

IT IS SO ORDERED.

Sanchez and Angeles, JJ., concur

Judgment affirmed.

[No. 23418-R. July 18, 1960]

TING TING CHIANG, plaintiff and appellee, *vs.* CHUA TIAT To & SONS Co., ET AL., defendants and appellants.

PURCHASE AND SALE; BROKER; AGENT.—A broker may also be considered as an agent of a buyer and a seller, without acting in his own name and without being entitled to the possession of the property which is the subject of sale or purchase (*State vs. William J. Oberle, Inc. (La.)* 140 So. 239, 240; *French vs. City of Toledo*, 90 N. E. 160, 161, 81 Ohio St. 160, 25 L. R. A., N. S., 748, quoting and adopting the definition in Webster's Inter. Dictionary.)

APPEAL from a judgment of the Court of First Instance of Manila. Lucero, *J.*

The facts are stated in the opinion of the Court.

Generoso V. Jacinto, for defendants and appellants.

Manuel V. Roxas, for plaintiff and appellee.

PEÑA, *J.*:

In this action, plaintiff wants to recover from the defendants the money value of the services he had rendered to the latter in connection with the importation of tin plates from the United States. Upon the other hand, defendants claim that as plaintiff performed no act or service for them he is not entitled to any compensation.

After due trial, decision was rendered the dispositive portion of which is as follows—

“For the foregoing considerations, the Court hereby renders judgment:

(a) Sentencing the defendants to pay the plaintiff the sum of P5,979.13 for Commissions due;

(b) Adjudging the plaintiff to pay the defendants on the first and second counterclaim the sum of P4,700.00;

(c) Directing that the amounts herein adjudged to both parties be allowed to compensate with each other such that the balance due the plaintiff thereafter is P1,279.13;

(d) Awarding to the plaintiff attorney's fees in the sum of P500.00; and costs; and

From the aforesaid decision, the defendants appealed.

It appears that sometime before October, 1950, plaintiff was employed by Chua Tiat To and Company as a bookkeeper with a fixed salary of P300.00 a month. Among his duties then was to prepare indent orders for the partnership without any extra-compensation. After he had left his employment, he became a commission broker (Pls. see Exhs. “A” & “B”).

According to the plaintiff, from January 8 to April 3, 1951, he had made in behalf of the defendants six transactions in the total amount of US \$46,757.13 or P93,514.26, for which he was entitled to a commission of 5 per cent or P4,675.71. And defendants admitted that

they had imported and received the items corresponding to the five indent orders (Nos. 51-16, 51-15, 51-16-B, 51-19 and 51-2) but not the items covered by Indent Order No. 51-10) or only a total of \$41,039.96.

The defendants similarly admitted having ordered tin plates under Indent Order No. 51-31 on April 26, 1951, in the amount of US \$2,501.34. However, they denied the existence of a joint venture between them on one hand and the plaintiff on the other.

Plaintiff further alleged under his third cause of action on April 4, 1951, that at the instance and request of defendants, the former prepared and performed the necessary works to import for the latter coke tin plates and electrolytic plates with a total value of \$87,750.00 plus consular fee of \$5.00; and that of the purchase order involving \$87,755.00, the defendants actually imported materials worth only \$13,060.00, thereby leaving a balance of \$74,695.00, because they found other suppliers who were selling the same kind of tin plates at much lower price at the time when plaintiff's supplier obtained export license from the U.S. government. Under this circumstance, according to plaintiff, he is entitled to a commission of 5% on the total amount of P149,390.00 or P7,469.50 which defendants refused to pay inspite of repeated demands.

Defendants admit that plaintiff was prior to 1950 employed by the Chua Tiat To and Company as bookkeeper. Aside from handling the book of accounts of the old partnership then, he also prepared the necessary papers for the importations of the company. Upon the reorganization of the old partnership and the establishment of the Chua Tiat To & Sons Co. (the herein defendants), the services of the plaintiff were dispensed with.

The defendants also claim that they obtained two import licenses from the Prisco, to wit: Prisco License No. 38-7752 in the amount of \$87,755.00 and Prisco License No. 4A-3499 in the amount of \$59,979.00. Under these two import licenses, defendants imported from plaintiff's principal articles worth \$43,550.05. The balance of each import license was utilized for the importation of the same materials from another companies, for the reason that plaintiff's principals were not able to secure the necessary export license.

In applying for the importation of the needed materials, defendants had to present a *pro forma* invoice stating the value of the importation and the conditions thereof. According to them, although they could have directly negotiated with foreign suppliers, they preferred to deal with their local representative or agent in order to favor the latter in the form of commissions. Thus, upon plaintiff's request, defendants coursed their purchase thru him.

Imbued with the desire to do favor to plaintiff, the defendants had to amend their import licenses, by changing the name of the suppliers to that of the principal of the former, to the consequent inconvenience of the latter.

In other words, defendants simply wanted to help the plaintiff who was not dismissed for cause. As a matter of fact, according to them, they had extended loans to him before the indent orders which are now the subject matter of the case at bar.

Thus, defendants now maintain that it was erroneous on the part of the lower court—

1. In finding that in the transaction subject-matter of the litigation plaintiff-appellee acted as a middleman or as a broker.

2. In not finding that the plaintiff-appellee was an agent of the supplier abroad in the dealings of the latter with the defendants-appellants.

3. In declaring that the plaintiff-appellee had rendered services to the defendants-appellants.

4. In holding that by the mere signing of the *pro forma* invoices, an obligation to pay commissions already arise.

5. In allowing compensation to the plaintiff-appellee despite the fact that the latter had already collected from his principal abroad.

6. In holding that there were importation under the plaintiff-appellee's third cause of action in the amount of \$16,250.00.

7. In inferring from Exhibits L, L-1 to L-8 and Exhibits M, M-1 to M-8 that defendants-appellants should pay commission to plaintiff-appellee.

8. In holding that the sum of ₱4,700.00 given by the defendants-appellants to the plaintiff-appellee as evidenced by exhibits 34, 34-A 34-B, 35, 35-A and 35-B, 36, 36-A and 36-B, 38 and 39 were not loans to the latter.

9. In denying defendants-appellants' counterclaim for customs duties paid by them on account of change of country of origin of the goods sold.

10. In ordering defendants-appellants to pay commissions to the plaintiff and allowing said commissions to the plaintiff and allowing said commissions to compensate for the sum of ₱4,700.00 received by plaintiff-appellee from defendants-appellants.

11. In awarding attorney's fees to the plaintiff-appellee in the sum of ₱500.00.

12. In dismissing defendants-appellants' counterclaim for attorney's fees.

That plaintiff was a broker is clearly revealed by the records of this case. His privilege tax receipts (Exhs. "A" & "B") for the years 1950 and 1951 unmistakably show that plaintiff was a commercial broker and the jour-

nal entries (Exhs. "L-1" to "L-8"), which were examined and verified for income tax purposes for the year 1953, also reveal that he had received commission from his clients for his work as a broker who is called a middleman or negotiator. It is said that—

"Any person who acts as middleman or negotiates commercial transaction in behalf of clients is ordinarily deemed a 'broker' within the meaning of a statute or ordinance imposing a license tax on brokers." (*State vs. William J. Oberle, Inc. (La.)* 140 So. 239, 240.)

And a broker is considered as—

"an agent employed to effect bargains, and contracts as a middleman between other persons for a commission called brokerage. He takes no possession, as broker, of the subject-matter of the negotiations." (*French vs. City of Toledo*, 90 N. E. 160, 161, 81 Ohio. St. 160, 25 L. R. A., N. S., 748, quoting and adopting the definition in Webster's Inter. Dictionary.)

In other words, a broker may also be considered as an agent whose business it is to bring, like in the instant case, a buyer and a seller together, without acting in his own name and without being entitled to the possession of the property which is the subject of sale or purchase.

In the case at bar, plaintiff's signature on the printed forms (Exhs. "C-3"; "D-3"; "E-5"; "F-1"; "F-3"; "G"; "G-1") is followed by the word "agent" also printed, and defendants underscore such fact. But, as could be gathered from the aforequoted jurisprudence about brokers, a broker may also be considered as agent of a buyer and a seller. For this reason, and considering that plaintiff was duly licensed as a commercial broker and considering further that his clients paid him brokerage for doing something commercial for them, he was a broker when he negotiated indent orders for the defendants. Under such circumstance, he was lawfully entitled to a brokerage fee or commission. At any rate, plaintiff's evidence tends to show that his services were engaged by defendants for the importation of their needs in consideration of a certain commission. He declared thus—

Q.—Who approached you?

A.—Chua Tot.

Q.—Why did Chua Tot approach you?

A.—Because he said he needed my services for the same amount and which I refused because the limited salary is not enough to support my family. So he told me that, if I do not agree, he would pay me on commission basis, at 5 per cent of whatever I would do for them regarding importation.

Q.—Where or on what will the five percent be based for your commission?

A.—From the gross value of any orders which they placed with me.

Q.—And, as a matter of fact did you actually serve in the capacity as indent broker for the defendant company?

A.—Yes, sir. (t.s.n.. pp. 8 & 9, Magalit)

Perhaps the mere signing of a *pro forma* invoice would not give rise to an obligation to pay brokerage fees or commission, but when such act is intended for something commercial and it is coupled with contemporaneous acts which are in consonance with what is customary in business circles or transactions, the party in whose favor the *pro forma* invoice was prepared ostensibly for a beneficial purpose, would be under obligation to give the customary consideration to the one who prepared such document.

In the instant case, as already stated, plaintiff was not only the agent of his principal abroad but also of the buyer. Stated otherwise, he was a middleman or broker who is entitled to brokerage fees for the transaction he had closed.

As already stated above, plaintiff is asking under his third cause of action for 5 per cent commission on \$74,695.00 or ₱149,390.00 said to have been unused by defendants under indent order No. 51-19 worked out and negotiated for them by the former. But the lower court awarded him commission on the basis of \$16,250.00 on the ground that defendants admitted that they had imported materials worth this amount under said indent order. A careful review of the records of this case reveals that defendants did not admit such fact. On the contrary, plaintiff himself averred that defendants actually imported articles covered by indent order No. 51-19 worth only \$13,060.00 or ₱26,120.00 upon which his 5 per cent commission should be based. The amount of \$74,695.00 or ₱149,390.00 could not be considered as a working basis for plaintiff's commission, as he did not appeal from the finding of the court below under the "third cause of action".

The journal entries, marked as Exhibits "L-1)" to "L-8", and the ledger entries marked as Exhibits "M", "M-1" to "M-8" reveal the custom prevailing regarding transaction similar to those under consideration in the case at bar, that is, a commercial broker, like the plaintiff, is entitled to brokerage fees for work done.

Annet the amount of ₱4,700.00 for which the lower court is being assailed in not holding such sum as loan to plaintiff, suffice it to quote in this connection the pertinent pronouncement of the court, thus—

"Deducting from the commission of ₱5,979.13 the amount of plaintiff's loans in the aggregate of ₱4,700.00, there is still a balance of ₱1,279.13."

It is, therefore, clear that the lower court had finally stated that the amount of ₱4,700.00 were loaned to plaintiff.

The customs duties paid by defendants were properly taxed against them and they are not entitled to reimburse-

ment from plaintiff whose duty was only to bring together the "seller" and the "buyer".

The new Civil Code provides for attorney's fees in a situation similar to the case at bar. However, it is believed that the amount of ₱500.00 as attorney's fees is quite big considering that only ₱960.13 was finally adjudicated to plaintiff. Therefore, we hereby reduced the attorney's fees to ₱400.00 only.

Thus, the importations of tin plates made by defendants through the plaintiff are as follows—

(a) First cause of action	\$41,039.96
(b) Second cause of action	2,501.34
(c) Third cause of action	13,060.00
	<hr/>
	\$ 56,601.30
	× 2
	<hr/>
	₱118,202.60
	× .05
	<hr/>
	₱ 5,660.13

Plaintiff should be entitled to ₱5,660.13 by way of commission. Deducting his loans from defendants amounting to ₱4,700.00, there is still a balance of ₱960.13 in plaintiff's favor.

Wherefore, modified as above indicated, the judgment appealed from is hereby affirmed, with costs against defendants.

IT IS SO ORDERED.

Hernandez and Amparo, JJ., concur.

Judgment modified.

[No. 20810-R. July 25, 1960]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee,
vs. MANUEL BALLENA, accused and appellant.

1. CRIMINAL PROCEDURE; ORAL MOTION TO QUASH; EFFICACY; SECTION 3, RULE 113, RULES OF COURT.—Section 3 of Rule 113 of the Rules of Court states that a motion to quash “shall be in writing, signed by the defendant or his attorney”, and “shall specify distinctly the ground of objection” relied upon. However, an oral motion to quash presented in open court, at an opportune time, that is, before arraignment, and based on the ground that more than one offense was charged in the information, should be considered as effectively placed before the court for its consideration and decision as if it had been in writing. To deny the motion for being void and inefficacious because it was not reduced to writing, is to place inordinate importance on the shadow rather than on the substance of the law, and to stress technicality while denying justice. Hair-splitting technicalities should be frowned upon and avoided if they do not square with the ends of justice.
2. ID.; MOTION TO QUASH; DENIAL; REMEDY.—Certiorari or prohibition will not lie against an order of the trial court, denying a motion to quash provided the said court had jurisdiction to take cognizance of the case and to decide the motion; appeal in due time is the only remedy available to the defendant if he desires the reversal of the denial of his motion to quash. (People vs. Manuel, G. R. L-6794-95, August 11, 1954, and in a previous case, Arches vs. Beldia, G. R. L-2414, May 27, 1949).

APPEAL from a judgment of the Court of First Instance of Capiz. Evangelista, J.

The facts are stated in the opinion of the Court.

Lorenzo Miravite, for accused and appellant.

Assistant Solicitor General Esmeraldo Umali and Solicitor Eriberto D. Ignacio, for plaintiff and appellee.

CASTRO, J.:

The defendant Manuel Ballena was charged in the Court of First Instance of Capiz with the crime of qualified theft of two cows, committed, according to the information, as follows:

“That on or about the 16th and 25th days of May, 1954, in the municipality of Pilar, province of Capiz, Philippines, and within the jurisdiction of this Court, said accused taking advantage of the nighttime did, then and there willfully, unlawfully and feloniously, without violence against or intimidation of persons nor force upon things, take and carry away, with intent of gain, two male cows (the black and white one about 3 years old with 3 inches long horns and cowlicks on the forehead and on the back, and valued at two hundred pesos (P200.00) belonged to Eusebia B. Almacen; and the other dark coffee colored male cow with one cowlick on the forehead and two on the back, with 4 inches horns and valued at one hundred twenty pesos (P120.00), belonged to Anacleto Alavaren) without the knowledge nor consent of the above-named owners.”

After due trial, the lower court found him guilty as charged and sentenced him to suffer an indeterminate penalty of 4 years, 2 months and 1 day of *prision correccional*, as minimum, to 10 years and 1 day of *prision mayor*, as maximum; to indemnify the offended parties, Eusebia B. Almacen and Anacleto Alavaren, in the sums of ₱200 and ₱120, respectively; and to pay the costs.

In this appeal, the defendant contends that the court *a quo* erred (1) in convicting him, over his timely objection, of qualified theft of two cows based on an information which charges him with the commission of two distinct offenses committed on two different occasions and (2) in convicting him, upon the evidence, of qualified theft.

It is patent beyond dispute, and the Solicitor General so concedes in his brief, that the information charges the appellant with two separate and distinct crimes committed on two separate and distinct occasions: (1) qualified theft, committed on May 16, 1954, of a black and white cow, with 3-inch horns, cowlicks on the forehead and back, about 3 years old, valued at ₱200, and owned by Eusebia B. Almacen; and (2) qualified theft, committed on May 25, 1954, of a dark-coffee male cow, with 4-inch horns, with one cowlick on the forehead and two on the back, valued at ₱120, and owned by Anacleto Alavaren.

A defendant may move to quash the information on the ground that it charges more than one offense (sec. 2-(e), Rule 113, Rules of Court). That the defendant Ballena did actually move to quash the information on this ground, is clear from the proceedings had on May 28, 1954. The transcript (May 28, 1954) as well unmistakably shows that when his motion was overruled, and he was required to plead (sec. 1, Rule 113, Rules of Court), he immediately entered a plea of not guilty.

Two questions of law are posed in issue, to wit: (1) was the oral motion to quash presented by the accused inefficacious?; and (2) did the failure of the accused to elevate, before arraignment, to an appellate court, by special civil action, the question of the validity of the denial of his oral motion to quash, foreclose his right to insist on its invalidity in this appeal?

Upon the first question, we note that the court *a quo* denied the motion to quash on the basis of extraneous factors, namely, the identity and ownership of the two cows, which, according to the said court, were a matter of evidence. This was clear error. A motion to quash necessarily assumes the facts alleged in the information to be true. The court *a quo* should have, on the basis of this assumption, ruled squarely on the said motion, instead of denying it on grounds which intrinsically are alien to the motion to quash.

The record incontrovertibly shows that the motion to quash was squarely presented to the court for its consideration, with the fiscal present. Instead of taking steps toward correcting the information, which, on its face, already offends against the requirement that only one offense should be charged therein, the judge and the fiscal veered off to matters inconsequential and extraneous to the motion itself. The judge and the fiscal, with the merest knowledge of the law of criminal procedure, should have at once seen the defect in the information, and instead of pressing for trial, should have taken immediate steps to remedy it: by the fiscal in a motion to dismiss the information before arraignment, and by the judge in an order dismissing the information before arraignment and directing the fiscal to file the proper information or informations. In this connection, it is not amiss to state that the prime duty of a fiscal to the court, to the accused, and to the State, is not to secure a conviction, but to lay before the Court all pertinent and true facts at his disposal with methodical and meticulous attention, and assume an impersonal attitude of fairness to all parties at all times.

Was the motion to quash inefficacious because it was orally made?

Section 3 of Rule 113 of the Rules of Court states that a motion to quash "shall be in writing, signed by the defendant or his attorney", and "shall specify distinctly the ground of objection" relied upon. While we are aware of the cardinal purpose of the Rules of Court, which is to make difficult or impossible for cases to go off on procedural points, we are nonetheless not unmindful of the principle that hair-splitting technicalities should be frowned upon and avoided if they do not square with the ends of justice.

The oral motion to quash was presented in open court, at an opportune time, that is, before arraignment, and upon a real ground, which is, that more than one offense was charged in the information. The import and meaning of the motion, the trial court and the fiscal must be presumed to have fully understood. As a matter of fact, discussion was had on this motion to quash, although, as we have already stated, the denial was based on extraneous factors. It is our considered view that, although it was not in writing, the motion to quash was as effectively placed before the court for its consideration and decision as if it had been in writing. To say now that the motion to quash was void or inefficacious because it was not reduced to writing, is to place inordinate importance on the shadow rather than on the substance of the law, and to stress technicality while denying justice.

We have scanned the jurisprudence of this country in search of a decision, any decision, that explicitly regards an oral motion to quash as inefficacious, and have found none. Upon the contrary, we have found a case which indicates liberality on the part of the Supreme Court, even in the face of the clear mandate of section 22 of General Orders No. 58 (which was the law of criminal procedure prior to the promulgation of the Rules of Court) that "in courts of first instance or like jurisdiction, the demurrer *must* be in writing, signed by the defendant or his counsel, and *must* distinctly set forth the grounds of objection, or *it shall be disregarded*". (underscoring supplied). In *People vs. Concepcion*, 43 Phil. 728, no demurrer was filed to the information, but the objection which was made during the trial, after arraignment, was sustained by the Supreme Court. While admittedly this case is not similar to the case at bar, it nevertheless unmistakably stresses the liberal tendency of the Supreme Court in the interpretation of procedural rules. And we are not without support in common law, from which our Rules of Court were drawn. Thus "where indictment is so defective that judgment on it would be arrested, that is, the defect appears on the face of the record, it may be quashed on oral motion." (42 C. J. S. 1172, citing *Gilmore vs. State*, 45 S.E. 226, 118 Ga. 299; *Daniel vs. State*, 10 S.E. 2d 80, 63 Ga. App. 12).

In criminal actions, we believe that courts should take a far more liberal attitude in the interpretation of procedural laws. In civil cases, the most at stake is property, a right or a status; in criminal cases, the honor, the liberty, nay, even the life of a person, may be in jeopardy. The mandate of the Rules of Court is clear: "These rules shall be liberally construed in order to promote their object and to assist the parties in obtaining just, speedy and inexpensive determination of every action and proceeding (sec. 2, Rule 1, Rules of Court). Commenting on this provision, the Supreme Court has said:

"Lapses in the literal observance of a rule of procedure will be overlooked . . . when they do not prejudice the adverse party and they have not deprived the court of its authority. Conceived in the best traditions of practical and moral justice and common sense, the Rules of Court frown upon hair-splitting technicalities that do not square with their liberal tendency and with the ends of justice." (*Case, et al. vs. Jugo, et al*, 77 Phil. 517).

It is thus our view and we so hold that because the information, on its very face, offends against the rule that an information should charge only one crime, and because the objection by the defendant, though oral, to the information upon the ground that it patently charges two distinct and separate crimes, was unequivocally and squarely

presented to the court, at an opportune time, the motion to quash was valid and efficacious and must consequently be sustained.

Upon the question whether the failure of the accused to elevate before arraignment to an appellate court, by special civil action, the question of the validity of the denial of his motion to quash, may now estop him from insisting on its invalidity in this appeal, suffice it to say that the Supreme Court, in *People vs. Manuel*, G. R. L-6794-95, August 11, 1954, and in a previous case, *Arches vs. Beldia*, G.R. L-2414, May 27, 1949, has held that (1) neither *certiorari* nor prohibition lies against an order of a trial court denying the defendant's motion to quash provided the said court had jurisdiction to take cognizance of the case and to decide the motion; (2) appeal in due time is the only remedy available to the defendant if he desires the reversal of the denial of his motion to quash.

In view of all the foregoing, we find it unnecessary to review the evidence on record.

Accordingly, the judgment *a quo* is annulled, and the case remanded to the court of origin, with instructions that the court sustain the motion to quash presented by the defendant and dismiss the information, and make such further orders as to the filing of a new information or informations as may be proper in view of what has been stated in this opinion, with costs *de officio*.

De Leon and Makalintal, JJ., concur.

Judgment annulled and case remanded to the Court of origin with instructions.

[No. 26221-R. June 29, 1960]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee,
vs. ALBERTO LABIANO *alias* BERTO, accused and ap-
pellant.

1. CRIMINAL LAW; ATTEMPTED RAPE; DREAMS, PROBATIVE VALUE OF;
CASE AT BAR.—Prosecution for attempted rape of a 4-year old
girl. On cross-examination, the offended party answered affirm-
atively when asked whether it is a fact that she believed that
the accused placed his private part into her private part because
she dreamed about it. The defense counsel argued that the
girl's story was the product of a dream and that dreams
have no connection with reality. *Held:* The above testimony
of the offended girl, far from destroying the case of the
prosecution, actually strengthens it. The great weight of
authorities is that dreams are related to previous experiences,
having for their sources recent and psychologically significant
events; that dreams clearly prefer the impressions of the last
few days, which almost always are the stimulating factors
that induce dreams. (The Basic Writings of Sigmund Freud,
as translated and edited by Dr. A. A. Brill, pp. 184, 238, 248-
249, and Robert, Strumpell, Hildebrandt and Weed-Hallam).
2. CRIMINAL PROCEDURE; ATTEMPTED RAPE; INFORMATION; PRECISE
TIME OF COMMISSION OF OFFENSE NEED NOT BE ALLEGED IN IN-
FORMATION.—Unlike the offenses of infanticide, physical in-
juries or violation of Sunday statutes or of the election laws,
where time is a material ingredient of said offenses, the crime
of rape does not require the allegation of the precise time of
its commission. It is sufficient if the act is alleged to have
been committed at any time as near to the actual date of com-
mission as the information or complaint will permit. (Sec.
10, Rule 106, Rules of Court).
3. CRIMINAL LAW; ATTEMPTED RAPE; MORAL DAMAGES RECOVERABLE
ONLY BY OFFENDED PARTY.—The right to recover moral damages
arising from physical pain, wounded feelings and mental
anguish in the crime of rape is personal to the offended party.
(Art. 345, paragraph 1, Revised Penal Code; Art. 2219, para-
graph 3, New Civil Code).

APPEAL from a judgment of the Court of First Instance
of Baguio. De Veyra, *J.*

The facts are stated in the opinion of the Court.

Benjamin C. Rillera, for accused and appellant.

First Assistant Solicitor General Guillermo E. Torres
and *Solicitor Enrique M. Reyes*, for plaintiff and appellee.

ANGELES, *J.*:

This is an appeal from a decision of the Court of First
Instance of Baguio finding the accused Alberto Labiano
alias Berto guilty of the crime of attempted rape and
sentencing him to an imprisonment of six (6) months and
one (1) day of *prisión correccional* and to pay the costs.

On January 2, 1958, at past 12:00 o'clock midnight,
Agatona Roque was suddenly awakened by the cries of
her four-year old daughter, Lourdes Roque, who was
sleeping beside her inside bunkhouse No. 10 of the Balatoc

mines camp at Balatoc, Itogon, Benguet, Mountain Province. Agatona got up and saw that her child was trembling. She asked her daughter why she was crying, and the latter told her that she was afraid of the accused because he had put his sexual organ into her private part. Agatona shook the shoulders of her daughter and kept asking her why she was crying, and she got the same answers. She roused her husband from sleep and told him what their young daughter had just revealed. Ignacio Roque, father of the child, took his turn in asking Lourdes why she was crying, and the girl repeated what she had disclosed to her mother. She was afraid of Berto because he put his organ into her private part. The parents of the girl agreed to bring the matter to the attention of the mining camp authorities. The following day, January 3, 1958, Agatona Roque reported the revelation of her daughter to the camp checker. When the camp checker asked Lourdes why she was crying the night before, she reiterated the answers which she had given to her parents. The camp checker endorsed the matter to the chief of police of the Balatoc mines who conducted an investigation. After the police inquiry, the accused, with the chief of police, approached the parents of Lourdes Roque and asked for apologies and amicable settlement. Agatona Roque told the accused that she could not accept the offer of peaceful settlement of the case because the matter had to be decided by her husband. When the accused approached Ignacio Roque to ask for forgiveness, the latter told him that he could not do anything about the case since it was already in the hands of the authorities. On January 18, 1958, the complaint against the accused was filed in court.

The foregoing were testified to by Ignacio Roque, Agatona Roque and the camp checker. Apart from these three witnesses, the four-year old victim herself was presented by the prosecution. Before she was sworn in, the court asked her the following questions:

"COURT:

Do you know that to tell a lie is bad?

OFFENDED PARTY LOURDES ROQUE:

Yes, sir.

COURT:

What is a lie?

OFFENDED PARTY LOURDES ROQUE:

'Pasao'.

COURT:

If you say something which did not take place, that will not be right?

OFFENDED PARTY:

Yes, sir, I know.

COURT:

If you tell a lie, would that be right or wrong?

OFFENDED PARTY LOURDES ROQUE:

It is not right." (t. s. n., pp. 40-41.)

Then she proceeded to testify as follows: She knows the accused Alberto Labiano alias Berto. One day, when it was about to get dark, and while she was playing on a swing near their house, the accused approached her and took her to his room. At that time, her mother was in their house. Once they were inside the room of the accused, the latter placed his private part, which was hard and hairy, into her organ, and he moved his body in the manner of performing sexual intercourse. Something like saliva came out of the sexual organ of Labiano. When the accused was inserting his private part into her organ, she felt pain and she cried. Berto told her, "Don't cry."

The defense of the accused, who was 44 years old at the time of the incident above narrated, is an alibi. His evidence is to the following effect: In January, 1958, and for some time prior thereto, he was living with one Dominador Manzano in bunkhouse No. 10, room 9, of the Balatoc camp mines. Both he and Dominador were workers in the Balatoc mines. During the first week of January, 1958, he (accused) was on the night shift, that is, from 3 o'clock in the afternoon up to 11 o'clock in the evening. On the first day of January, there was no work in the Balatoc mines. On the second day of that month, he did not work. He stayed in bunkhouse No. 10, room 9. On the third day, he reported for work but left Balatoc on the fourth and went to the lowlands.

Meanwhile, as testified to by the chief of police of the Balatoc mines, a witness for the defense, the mother of the victim went to him and reported the incident. After asking Agatona Roque and her daughter a few questions, the police officer sent for the accused who at that time was still in the lowlands. Upon the return of the accused to Balatoc on the 6th of January, he was summoned to the office of the chief of police. The police officer asked him: "Why did you fool that little girl?, to which he answered: "No, sir, I did not." Thereafter, the accused approached the chief of police twice saying that to avoid trouble it would be better to settle the case amicably. The chief of police asked the accused to go to the parents of the victim which the latter obeyed. At the house of the victim, the following conversation transpired: "You are making foolishness.", the parents of the girl told the accused. "I did not do anything bad.", the accused retorted. Afterwards, the chief of police asked the Roques if they were willing to agree to settle the case amicably. Ignacio Roque expressed

amenability to a peaceful settlement provided that the accused would admit his guilt in writing and sign an agreement promising not to repeat what he had done to the victim. In the beginning, the accused was willing to admit his guilt, but when someone advised him not to sign anything he changed his mind.

The first assignment of error raised by the appellant is that the lower court erred in holding that Alberto Labiano attempted to rape Lourdes Roque. The defense argues that the basis of the charge of the prosecution is the dream of the offended party that the appellant attempted to abuse her criminally, and nothing more. Undoubtedly, the appellant has seized upon that portion of the testimony of the offended party on cross-examination in which she declared as follows:

"Q.—Is it not a fact that you believed that Labiano placed his private part into your private part because you dreamed about it?
A. Yes, sir." (t. s. n., p. 44, Aug. 5, 1958.)

As will be shown hereinafter, there are other bits of evidence on which the prosecution relies for support of its charge. For the moment, however, we are concerned with the inquiry of whether or not, if the testimony of the offended party, that she believed that the accused placed his private part into her private part because she dreamed about it, be wholly accepted, the result would be so damaging to the case of the prosecution as to warrant acquittal of the appellant. From the manner the argument of the appellant was presented, it seems to suggest that, because the principal and main feature of the story of the offended party is none but the product of a dream, the case of the prosecution has no factual leg to stand on. The argument seems to insinuate that dreams have no connection whatsoever with reality. We believe that the appellant is laboring under a mistaken concept of dreams.

In primitive times, the peoples of classical antiquity took it for granted that dreams were related to the world of supernatural beings in whom they believed, and that they brought inspirations from the gods and demons. It appeared to them that dreams must serve a special purpose in respect of the dreamer; that, as a rule, they predicted the future. (The Basic Writings of Sigmund Freud, as translated and edited by Dr. A. A. Brill, p. 184 (1938).) The time of Aristotle, however, early as it was, marked the beginning of a changing concept of dreams. People began to regard dreams as constituting a problem of psychology. It became the consensus that dreams are not god-sent or of divine origin or that they are supernatural revelations, but subject to the laws of the human spirit. (Ibidem.) As time wore on, the ancient theory of the supernatural origin of dreams, like the erroneous notion

that the earth was flat, was repudiated, and whatever remnants of this once predominant belief were swept away by scientific explanations, until the present when it no longer seems disputable that dreams have intimate and inextricable relation with the mental activity of the dreamer.

With regard to the dream-material or the sources of dreams, time does not seem to have succeeded in obliterating some preposterous beliefs. Still there are those who insist that dreams "come from the stomach". While authorities concede that a full stomach may at times conjure up anxiety visions in which heavy masses oppress the dreamer, or that a full bladder may at times induce urinations dreams (Psychoanalysis Sleep and Dreams, by Andre Tridon, p. 38, (1921), the great weight of authorities are agreed that dreams are related to previous experiences, especially the impressions of the last few days. As Sigmund Freud, the foremost authority on psychoanalysis, states in his basic writings, such authors as Robert, Strumpell, Hildebrandt and Weed-Hallam have noted "that the dream clearly prefers the impressions of the last few days." (p. 238.) And if we may hear from Sigmund Freud himself, the master of dream interpretation and analysis:

"If I now consult my own experience with regard to the origin of the elements appearing in the dream-content, I must in the first place express the opinion that *in every dream we may find some reference to the experiences of the preceding day*. Whatever dream I turn to, whether my own or someone else's, this experience is always confirmed. Knowing this, I may perhaps begin the work of interpretation by looking for the experience of the preceding day which has stimulated the dream; in many cases this is indeed the quickest way. With the two dreams which I subjected to a close analysis in the last chapter (the dreams of Irma's injection, and of the uncle with the yellow beard) *the reference to the preceding day is so evident that it needs no further elucidation*. But in order to show how constantly this reference may be demonstrated, I shall examine a portion of my own dream-chronicle. I shall relate only so much of the dreams as is necessary for the detection of the dream-source in question.

"1. I pay a call at a house to which I gain admittance only with difficulty, etc., and meanwhile I am keeping a woman waiting for me.

Source: A conversation during the evening with a female relative to the effect that she would have to wait for a remittance for which she had asked, until * * * etc.

"2. I have written a monograph on a species (uncertain) of plant.

Source: In the morning I had seen in a bookseller's window a monograph on the genus *Cyclamen*.

"3. I see two women in the street, mother and daughter, the latter being a patient.

Source: A female patient who is under treatment had told me in the evening what difficulties her mother puts in the way of her continuing the treatment.

"4. At S. and R.'s bookshop I subscribe to a periodical which costs 20 florins annually.

Source: During the day my wife has reminded me that I still owe her 20 florins of her weekly allowance.

"5. I receive a communication from the Social Democratic Committee, in which I am addressed as a member.

Source: I have received simultaneous communications from the Liberal Committee on Elections and from the president of the Humanitarian Society, of which later I am actually a member.

"6. A man on a steep rock rising from the sea, in the manner of Bocklin.

Source: Dreyfus on Devil's Island; also news from my relatives in England, etc.

"The question might be raised, whether a dream invariably refers to the events of the preceding day only, or whether the reference may be extended to include impressions from a longer period of time in the immediate past. This question is probably not of the first importance, but I am inclined to decide in favour of the exclusive priority of the day before the dream (the dream-day). Whenever I thought I had found a case where an impression two or three days old was the source of the dream, I was able to convince myself after careful investigation that this impression had been remembered the day before; that is, that a demonstrable reproduction on the day before had been interpolated between the day of the event and the time of the dream; and further, I was able to point to the recent occasion which might have given rise to the recollection of the older impression. On the other hand, I was unable to convince myself that regular interval of biological significance (H. Swoboda gives the first interval of this kind as eighteen hours) elapses between the dream-exciting daytime impression and its recurrence in the dream.

"I believe, therefore, that for every dream a dream-stimulus may be found among those experiences "on which one has not yet slept."

* * * * *

"Thus, the impressions of the immediate past (with the exception of the day before the night of the dream) stands in the same relation to the dream-content as those of periods indefinitely remote. The dream may select its material from any period of life, provided only that a chain of thought leads back from the experiences of the day of the dream (the 'recent' impressions) of that earlier period." (pp. 239-240, Id.)

"In the manifest dream-content (the dream as we recollect it) I find merely an illusion to the indifferent impression, and I am thus able to reaffirm that the dream prefers to take up into its content experiences of a nonessential character. In the dream-interpretation, on the contrary, everything converge upon the important and justifiably disturbing event. If I judge the sense of the dream in the only correct way, according to the latent content (the true dream, which is the expression of our hidden desires) which is brought to light in the analysis, I find that I have unwittingly lighted upon a new and important discovery. I see that the puzzling theory that the dream deals only with the worthless odds and ends of the day's experiences has no justification; I am also compelled to contradict the assertion that the psychic life of the waking state is not continued in the dream, and that hence, the dream wastes our psychic energy on trivial material. The very opposite is true; *what has claimed our attention during the day dominates our dream-thoughts also, and we take pains to dream only in connection with such matters as have given us food for thought during the day.*" (pp. 244-245, Id.)

"I shall now consider the question whether the dream-exciting source to which our analysis leads us must always be a recent (and significant) event, or whether a subjective experience—that is to say, the recollection of a psychologically significant event, a train of thought—may assure the role of a dream-stimulus. The very definite answers, derived from numerous analysis, is as follows: the stimulus of the dream may be a subjective transaction, which has been made recent, as it were, by the mental activity of the day.

"And this is perhaps the best time to summarize in schematic form the different conditions under which the dream-sources are operative.

"The source of a dream may be:

(a) A recent and psychologically significant event which is directly represented in the dream.

(b) Several recent and significant events, which are combined by the dream into a single whole.

(c) One or more recent and significant events, which are represented in the dream-content by allusion to a contemporary but indifferent event.

(d) A subjectively significant experience (recollection, train of thought), which is constantly represented in the dream by allusion to a recent but indifferent impression.

"As may be seen, in dream-interpretation the condition is always fulfilled that one component of the dream-content repeats a recent impression of the day of the dream. * * *"

"In considering this series of sources we note further that the psychologically significant but not recent element (a train of thought, a recollection) may be replaced for the purposes of dream-formation by a recent but psychologically indifferent element, provided the two following conditions are fulfilled: (1) *the dream-content preserves a connection with things recently experienced*: (2) *the dream-stimulus is still a psychologically significant event*. * * *." (pp. 248-249, Id. All underscoring are supplied.)

The validity of the thesis of Freud, that dreams have for their source a recent and psychologically significant event, has not been impugned either by his contemporaries or by the authorities who came after him, majority of whom are his disciples. An impression of the preceding day almost always is the stimulating factor that induces the dream. Applying this thesis to the case at bar, it becomes readily apparent that the testimony of the offended party, to the effect that she dreamed that Alberto Labiano put his sexual organ into her private part, far from destroying the case of the prosecution, actually strengthens it. For, on the basis of the authority which we have cited, we may venture to say that the dream of Lourdes Roque was a significant event which she had recently experienced. Nor is it necessary to grope amidst a maze of recent experiences of Lourdes Roque, as a psychoanalyst would, in order to determine the dream-stimulus. In her own guileless way, and in a straight-forward manner, the 4-year old victim had narrated that the accused took her from the swing, brought her inside his room, and once alone in the room the defendant placed his sexual organ into her private part. She felt intense pain when the accused tried to insert his penis which was hairy and hard, and she cried.

But the defendant warned her, "Don't cry." As the accused made bodily movements of one in the act of performing the sexual intercourse, something like saliva was emitted from his organ. The monstrous experience must have dominated the mind of the girl during her waking hours of the day in which the incident happened. It claimed her attention until it was time for her to go to sleep. The event which she had tried to repress during the day was so significant that it could not be contained and had to unreel itself in her dreams on the night of January 2, 1958 when all the forces of censorship of the central idea in her mind were at rest. We believe that in the case of Lourdes Roque, it was a recent, actual and important event which was directly represented in her dreams.

It cannot be believed that, without having undergone an actual experience, a four-year old girl would dream that a man was putting his private part into her genital organ. Neither is it alone the impossibility of disassociation between the dream and the stimulating experience which inspires our belief in the evidence of the prosecution that the appellant actually attempted to rape the victim. The detailed narration of the event by the four-year old witness is a stronger reason for the conclusion that apart from the dream there was an actual experience. And, as will be shown hereinbelow, the very attitude of the appellant, after the occurrence of the incident, confirms his commission of the crime charged.

The appellant makes much of the inability of the victim, at the beginning of her testimony, to distinguish between night and day. In our opinion, this does not detract from the qualifications of Lourdes Roque to serve as a witness under the Rules of Court. Besides, while it is true that the young witness faltered at the beginning in telling the time of the day, when the questions propounded became sufficiently clear to her she was able to give intelligent and convincing answers. Thus:

"Q.—Can you tell whether it is night or day now?

A.—Day.

Q.—Do you know what is night?

A.—I know.

Q.—During the night, is it dark or bright?

A.—Dark.

Q.—And during the day it is bright, is it not?

A.—Yes, it is bright.

Q.—When Berto took you, you said it was dark? It was dark, was it not?

A.—Yes.

Q.—It was dark?

A.—Yes.

Q.—You were alone playing in the swing?

A.—Yes, sir.

Q.—And it was dark?

A.—It was dark.

* * *

Q.—Do you know the sun?

A.—Yes.

Q.—Do you know whether at the time Berto took you inside his room there was a sun?

A.—There was no sun.

* * *

Q.—What is it now—day or night?

A.—Day." (t. s. n., pp. 46-48, Aug. 5, 1958.)

Under the third assignment of error, the finding of the lower court that the appellant asked for forgiveness from the parents of the girl is assailed, appellant contending that it was the Roques who first proposed to settle the case amicably. To buttress the contention, appellant relies on the testimony of the Chief of Police of the Balatoc mines.

The declaration of the police officer does not support the contention of the appellant. On the contrary, it points to his guilt. The gist of the testimony of the Chief of Police may be gathered from the following pertinent portions:

"Q.—Is it not a fact that after investigating the accused you acted as the representative of the accused by convincing the offended parties to settle the case?

A.—I was approached twice by the accused.

Q.—Why did the accused approach you?

A.—To avoid further trouble in the case.

Q.—When he approached you, what did he say?

A.—When the accused approached me he said: 'Forget everything just to avoid further trouble and in order that I will not be delayed in my work. To avoid delay in my work, I think it would be better to have the case be settled amicably'.

Q.—And when he told you that, what did you do?

A.—I approached Mr. and Mrs. Roque about the case whether they were willing to have the case settled amicably.

Q.—What did they tell you?

A.—Mr. and Mrs. Roque told me: 'That is what we wanted in the first place, provided Mr. Labiano will accept his guilt and promise not to do such thing again.'

Q.—How many times were you approached by the accused?

A.—Twice.

Q.—Do you remember when?

A.—I don't remember.

COURT:

Q.—When you reported to Labiano that the Roques were willing to settle the case he did not admit his guilt?

A.—He seemed to be willing.

Q.—And why was the case never settled?

A.—He eventually changed his mind.

Q.—You mean Labiano changed his mind?

A.—Yes, sir.

COURT: Proceed.

Mr. Dacanay:

Q.—What do you mean by 'he changed his mind'?

A.—When he was about willing to come to an amicable settlement of the case I told him to get a witness before he would sign any agreement admitting his guilt and promising not to do such

Q.—And what happened?

A.—He came back to the police station with a witness after I released him at twelve o'clock. He came back at one o'clock that day when I called him to the office and that was the time when he changed his mind because he was then advised by the witness not to sign any agreement.

Q.—So the reason why he changed his mind was because he did not want the settlement to be in writing, was it not?

* * * * *

A.—Yes, sir.

Q.—You said it was Mr. Roque who first proposed to have the case settled amicably. Is that correct?

A.—Yes, sir.

Q.—And you relayed that proposal to Mr. Labiano, did you not?

A.—Yes, sir.

Q.—And the proposal was eventually rejected by Mr. Labiano; he did not sign. Is that correct?

A.—Yes, sir." (t. s. n., pp. 71-74.)

If the Roques ever proposed anything, it was that the accused should admit his guilt and promise in writing not to do again what he had done to their daughter. This was the proposal that was rejected by the accused upon somebody's advice. The proposal of the Roque is not an indication of the appellant's innocence. It was a reasonable gesture. They would forego prosecution of the accused, if he would admit his guilt and promise in writing not to repeat what he had done to the young victim. On the other hand, the fact that the accused sought the intervention of the police officer and proposed to settle the case amicably, and asked for forgiveness from the parents of the offended party, are, as aptly observed by the lower court, indications of a guilty conscience.

From the statement of the lower court that the act complained of "probably took place in the last days of December, 1957", appellant argues under the last assignment of error that he was convicted of an offense which was not alleged in the information. The information avers that the attempt of the appellant to rape the offended party in this case took place "in or about the first week of January, 1958, at Balatoc * * *."

Appellant's argument on this score is untenable. The precise time of the commission of the crime need not be stated, unless time is a material ingredient of the offense. Generally, it is sufficient that the act is alleged to have been committed at any time as near to the actual date at which the offense was committed as the information or complaint will permit. (Sec. 10, Rule 106, Rules of Court.) Unlike infanticide, physical injuries or violation of the Sunday statutes or of the election laws, the crime of rape does not require the allegation of the precise time when the offense was committed. The fact that the trial court stated in its decision that the act of the appellant was perpetrated in the last days of December, 1957 does not militate against

the sufficiency of the information at bar. For contrary to the lower court's statement, the evidence shows that the crime was committed on January 2, 1958 or immediately prior thereto, at such a time as is within the allegation of the information. No surprise was caused the appellant and neither was any of his substantial rights prejudiced.

After reviewing the evidence carefully, we have come to the conclusion that the appellant's guilt was proven beyond reasonable doubt. The alibi interposed by the accused cannot be accorded any weight, considering that from his own admission he was at the scene of the crime when the offense was committed. On January 1 and 2, 1958, he was in his room at bunkhouse No. 10, the same house in which the victim lived. On January 3, he worked at the mines but the mining camp was very close to the place of the commission of the crime. Although the accused tried to prove that he was away from Balatoc the rest of the days of the first week of January, 1958, he failed to show that it was physically impossible for him to be at the scene of the crime when the offense was committed. Upon the state of the appellant's evidence, his plea of alibi cannot prosper.

The penalty for the crime of attempted rape is *prisión correccional*. There being no modifying circumstances present and applying the indeterminate sentence law, the appellant should be, as he is hereby, sentenced to an indeterminate penalty of from six (6) months of *arresto mayor*, as minimum, to two (2) years, four (4) months and one (1) day of *prisión correccional*, as maximum. The penalty imposed by the lower court is not in accordance with the range provided for by law.

Moral damages were denied by the trial court to the parents of the offended party, reasoning that the same are recoverable only by the victim herself. There is no question that the offended party's next of kin cannot recover moral damages, but as Article 345, paragraph 1, of the Revised Penal Code and Article 2219, paragraph 3, of the Civil Code specifically provide that the offended party is entitled to moral damages, and since there is no denying that she suffered physical pain, wounded feelings and mental anguish because of the acts perpetrated on her by the appellant, we believe and hold that Lourdes Roque should be awarded the sum of P500.00 as moral damages in this case.

WHEREFORE, the judgment appealed from is hereby modified as follows: Appellant Alberto Labiano *alias* Berto is hereby found guilty beyond reasonable doubt of the crime of attempted rape, and he is sentenced to an indeterminate penalty of from six (6) months of *arresto*

mayor, as minimum, to two (2) years, four (4) months and one (1) day of *prisión correccional*, as maximum, to indemnify the offended party, Lourdes Roque, in the sum of ₱500.00 as moral damages, and to pay the costs.

IT IS SO ORDERED.

Natividad and Sanchez, JJ., concur.

Judgment modified.

LEGAL AND OFFICIAL NOTICES

Courts of First Instance

[FIRST PUBLICATION]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF AKLAN
ELEVENTH JUDICIAL DISTRICT
KALIBO, AKLAN

CASE No. K-15.—*Petition for naturalization of LIM PIENG SIENG alias FELIPE U. LIM, petitioner.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila, Atty. Victorio R. Mabasa, Kalibo, Aklan, Mr. Lim Pieng Sieng *alias* Felipe U. Lim, Kalibo, Aklan, and to all whom it may concern:

Whereas, a petition for naturalization has been presented to this Court by Lim Pieng Sieng *alias* Felipe U. Lim, who alleges that he was born in Chinkiang, Amoy, Fookien, China, on February 14, 1921 and will be more than 21 years old at the time of the hearing of this petition; that he emigrated to the Philippines from Amoy, Fookien, China, on board the vessel *S/S Susana*; that his last foreign residence was Chinkiang, Amoy, Fookien, China; that he arrived at the port of Manila on or about August 7, 1924; that he is married to Nilda Rentino Lim, who was born in barrio Linabuan Sur, municipality of Banga, province of Aklan, Philippines, and is now residing with him at Kalibo, Aklan; that he has four children who were all born in Kalibo, Aklan, namely, Jerry R. Lim, born on August 20, 1954; Mary Charry R. Lim, born on September 16, 1956; Stephen R. Lim, born on June 18, 1958 and Emmanuel R. Lim, born on December 25, 1959; that he has resided continuously in the Philippines since his arrival here except for a few years when he returned to China to study; that upon his return to the Philippines from his studies in China in the year 1934, he transferred his residence to Kalibo, Aklan, and up to the present has continuously resided thereat; that he is able to speak and write English and the Aklan dialect, one of the principal Philippine languages; that he is a merchant by occupation, being a partner and at the same time the treasurer of a domestic partnership existing under the laws of the Philippines doing business at Kalibo, Aklan, under the name Great Eastern Bazar, a partnership engaged in the sale of textiles, dry goods, copra, abaca, etc., which is capitalized at present at about ₱50,000.00

from where he derives an annual income of from ₱5,000.00 to ₱6,000.00; that he has filed his declaration of intention to become a citizen of the Philippines with the Office of the Solicitor General, Manila, on January 25, 1960; that he is entitled to the benefit of section 3 of Commonwealth Act No. 573, which reduces to five years the ten years of continuous residence required by paragraph two of section 2 of said Act, for being married to a Filipino woman; that his children are not yet of school age and he intends to enroll them when they come of school age in any of the public or private schools recognized by the office of private education of the Philippines, where Philippine history, government and civics are taught or prescribed as part of the school curriculum; that he is at present a citizen or subject of Nationalist China under whose laws Filipinos may become naturalized citizens or subjects thereof; and this nation of which he is a citizen or subject is not at war with the Philippines; that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community in which he is living; that he has mingled socially with the Filipinos, and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos; that he has all the qualifications required under section 2, and none of the disqualifications under section 4 of Commonwealth Act No. 473; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to Nationalist China of which at this time he is a citizen or subject; that he will reside continuously in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship; that he has not heretofore made any petition for citizenship with any Court; that on the date of the hearing of this petition, he will call Vicente M. Salido and Suferido C. Roldan, all of legal age, all residing at Kalibo, Aklan, and all Filipino citizens, to testify at said hearing as to his qualifications; that attached hereto and made a part of this petition are photostatic copies of his Alien Cer-

tificate of Registration No. A-83118 and his Immigrant Certificate of Residence No. 87131, issued by the Commissioner of Immigration on January 4, 1951 and November 16, 1951, respectively, and a carbon original of his declaration of intention.

Therefore, you are hereby given notice that the said petition will be heard by this Court on the 25th day of September, 1961, at 8:30 a.m., at Kalibo, Aklan, Philippines.

Let this notice be published at the expense of the petitioner once a week for three consecutive weeks in the *Aklan Sentinel*, a newspaper edited in the municipality of Kalibo, Aklan, with general circulation in this province of Aklan where the petitioner resides, and for three successive times in the *Official Gazette*, and that copies of the petition and said notice be posted to a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Ramon L. Avanceña, Judge of this Court of First Instance of Aklan, this 8th day of February, 1961.

Attest: QUERUBIN B. CORTES
[18-20] Clerk of Court

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF ALBAY
TENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 73.—*In the matter of the petition for naturalization as a Filipino citizen, QUINTIN YAP, petitioner.*

NOTICE

To the Honorable Solicitor General, Manila, and Quintin Yap, Locsin, Albay, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act 473, as amended, has been filed by Quintin Yap, who alleges that he was born in the municipality of Daraga, now Locsin, province of Albay, Philippines, on December 21, 1935; single, permanent employee of the Newton Bazaar at 839 Tabora Street, Manila, with an annual salary of ₱2,400.00; a resident of Locsin, Albay, Philippines, resided continuously since birth; able to speak and write English, Bicol and Tagalog language; possessing all the qualifications to become a Filipino citizen and none of the disqualifications of the law; and citing Atty. German Mata and Mr. Antonio Reyes, both Filipino citizens, all of legal age, and residents of the Municipality of Locsin, Province of Albay, Philippines;

Therefore, you are hereby given notice that said petition will be heard by this Court at session hall, Branch II, on November 22, 1961, at 8:30 a.m., at Legaspi City, on which date, time and place all persons desiring to oppose the said

petition shall appear to show cause, in writing, why the aforementioned petition should not be granted.

Let this Notice be published in three consecutive weeks in the *Official Gazette* and once a week for three consecutive weeks in *The Bicol Examiner*, a newspaper of general circulation in the Province of Albay, where the petitioner resides; and that the said petition and this notice be posted on the Bulletin Board of the Provincial Capitol and on a public and conspicuous place of this office.

Witness the Hon. Mateo L. Alcasid, Judge of this Court, this 15th day of March, 1961, in Legaspi City.

JOSE G. BALIN
Clerk of Court

[18-20]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAMARINES NORTE
NINTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 44.—*In the matter of the petition of TAN BOON KEE alias SANTOS TANZO to be admitted as citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP
To the Honorable Solicitor General, Manila, Mr. Tan Boon Kee *alias* Santos Tanzo, petitioner, Labo, Camarines Norte, and to all whom it may concern:

Whereas, a petition for Philippines citizenship, pursuant to Commonwealth Act No. 473, as amended, has been filed with this Court by Tan Boon Kee *alias* Santos Tanzo, who alleges, among others, that he was born in Choo Chui, China, on June 25, 1925, being at present a citizen of Nationalist China under whose laws Filipinos may become naturalized citizens thereof; that he emigrated to the Philippines from Amoy, China and arrived at the Port of Manila on December 28, 1928; that he has resided continuously in the Philippines for a term of 33 years at least, immediately preceding the date of this petition, since December 28, 1928; that being a bona fide resident and having continuously resided in the Philippines for more than 30 years, hence the filing of the declaration of intention is no longer necessary pursuant to law; that his present residence is in the municipality of Labo, Camarines Norte; that his trade or profession is a merchant which he has been engaged since 1953 and from which he derives an average income of ₱6,000.00 per annum; that he is married to a Chinese woman named Tan Siok Hua, sometime in January 12, 1950 and with whom he has 6 children whose names, dates and place of birth, residence and schools are as follows: Manuel Tanzo, August 19, 1952, Labo, Camarines Norte, Labo, Camarines Norte, Chung

Hua School Daet; Harry Tanzo, October 26, 1954, Labo, Camarines Norte, Labo, Camarines Norte, Chung Hua School Daet; Nestor Tanzo, August 17, 1956, Labo, Camarines Norte, Labo, Camarines Norte, not yet of school age; Aurora Tanzo, July 26, 1958, Labo, Camarines Norte, Labo, Camarines Norte, not yet of school age; William Tanzo, January 29, 1960, Labo, Camarines Norte, Labo, Camarines Norte, not yet of school age and Fe Tanzo, January 27, 1961, Labo, Camarines Norte, Labo, Camarines Norte, not yet of school age; that he can speak and write English, Bicol, and Tagalog; that it is his intention in good faith to become a citizen of the Philippines and renounce absolutely and forever all allegiance and fidelity to any foreign power and particularly to Nationalist China of which at this time he is a citizen or subject; that he will reside continuously in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship; that he has all the qualifications required under section 2, and none of the disqualifications under section 4, of Commonwealth Act No. 473; that he has cited Messrs. Arsenio C. Camino and Jose Ramores, all of legal age and residents of Daet and Labo, Camarines Norte, respectively, as witnesses whom he proposes to introduce in support of his petition and that attached to the petition is a photostatic copy of his immigrant certificate of residence and Alien Certificate of Registration.

Wherefore, you are hereby given notice that said petition will be heard by this Court on December 8, 1961, at 8:30 a.m.

Let this notice be published at the expense of the petitioner in the *Official Gazette* for three consecutive issues thereof, and once a week for three consecutive weeks in the *Bicol Post*, a newspaper edited at Daet, Camarines Norte and of general circulation within the province wherein the petitioner resides, and also let this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Melquiades G. Ilao, Judge of this Court, this 23rd day of March 1961, at Daet, Camarines Norte.

BASILIO ZANTUA
Deputy Clerk of Court

[18-20]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAMARINES SUR
TENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 141.—*In the matter of the petition of ONG CHIAN SUY to be admitted a citizen of the Philippines. ONG CHIAN SUY, petitioner.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable, the Solicitor General, Manila,
to Atty. Perfecto P. T. Chua Cheng, counsel

for the petitioner, Mezz. Floor, Vilco Bldg. 555 M. de Binondo, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship, pursuant to the provisions of Commonwealth Act No. 473, as amended, has been filed in this Court by Ong Chian Suy, who alleges that his present place of residence is San Roque, Iriga, Camarines Sur, Philippines, and his former place of residence was Amoy, China; that his trade or occupation is merchant or businessman, in which he has been engaged since 1954, and from which he derives an average annual income of P5,000.00 more or less; that he was born on December 12, 1923 in Amoy, China, under whose laws Filipinos may become naturalized citizens or subjects thereof; that he is married, his wife's name being Catalina See; that she is 29 years old having been born on February 29, 1932 in Tabaco, Albay, Philippines and now residing at San Roque, Iriga, Camarines Sur, Philippines; that he has children, the name, sex, date and place of birth of each of his children are as follows, to wit: (1) July Ong, born on June 3, 1955 at Tabaco, Albay, female, now resides at San Roque, Iriga, Camarines Sur, Philippines; (2) Luz See Ong, female, born on June 12, 1957 at Tabaco, Albay, now resides at San Roque, Iriga, Camarines Sur, Philippines; (3) Jeanny See Ong, female, born on September 13, 1959 at Tabaco Albay, now resides at San Roque, Iriga, Camarines Sur, Philippines; that he has emigrated to the Philippines from Amoy, China, and arrived at the Port of Manila on or about the year 1930, on board the vessel *S/S Anking*, and was admitted as "son of merchant" for permanent residence; that he has resided continuously in the Philippines for a period of at least 30 years, and has sent his children of school age to a private school duly recognized by the government, wherein Philippine history, civics, and government are part of the school curriculum, and is therefore, exempt from the filing of a declaration of intention with the Office of the Solicitor General; that he has resided continuously in the Philippines for a term of 30 years at least, immediately preceding the date of the petition, to wit, since the year 1930; and in the municipality of Iriga, province of Camarines Sur, for a term of one year at least, to wit, since the year last mentioned; that he is able to speak and write English, Tagalog and Bicol languages; that he has enrolled his children of school age Judy Ong, in the Rinconada Anglo Chinese School of Iriga, Camarines Sur, a private school duly recognized by the Philippine government, and where history, civics and government are made as part of school curriculum; that he has not heretofore made any petition for citizenship to any court in the Philippines or elsewhere; that he cites Messrs. Rufino Llagas and Felix G. Corporal, both citizens of the Philippines, both of legal age, and both residents and with postal address at Iriga, Camari-

nes Sur, as his witnesses whom he proposes to introduce in support of his petition;

Wherefore, you are hereby given notice that the said petition will be heard on November 16, 1961 at 8:30 o'clock in the morning in the session hall of the First Branch of this Court at the Provincial Capitol, Naga City, Philippines.

Let this notice be published at petitioner's expense in the *Official Gazette* for three consecutive issues thereof, and once a week for three consecutive weeks in the *The Bicol Star*, a newspaper edited in the City of Naga and of general circulation in this province where the petitioner resides and that copies of the petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Perfecto R. Palacio, Judge of the Court of First Instance of Camarines Sur at Naga City, this 4th day of April, 1961.

JUSTO V. IMPERIAL

[18-20] Clerk of Court

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF CAMARINES SUR
TENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 144.—*In the matter of the petition of UY TIAN PUE alias NG TIONG to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable, the Solicitor General, Manila, to the petitioner, Uy Tian Pue *alias* Ng Tiong, Naga City, and to all whom it may concern:

Whereas, a petition for Philippine citizenship, pursuant to the provisions of Commonwealth Act No. 473, as amended, has been filed in this court by Uy Tian Pue *alias* Ng Tiong, alleging that his present place of residence is at General Luna Street, City of Naga, in which he has been engaged since 1947, and from which he derives an average annual income of ₱4,200.00, more or less; that he was born on May 12, 1905, in Chinggang, China; that he is at present a citizen or subject of the Republic of Nationalist, China under whose laws Filipinos may become naturalized citizens or subjects thereof; that he owns a real property in Baao, Camarines Sur, assessed at ₱1,450.00; that he is able to speak and write English and the Bicol dialect; that he is married and his wife's name is Co Shiok King, who was born in China and now residing at the City of Naga, Philippines; that he has children and the names, dates and places of birth and places of residence of said children are as follows: 1. Uy Siu Beng, July 12, 1933, China, Manila; 2. Uy Siu Lee, January 21, 1937, China, Naga City; 3. Vicente Uy Maga-

dia, April 6, 1943, Baao, Camarines Sur, Naga City; and 4. Rosita Uy, March 16, 1953, Naga City, Naga City; that he has enrolled his children in the following schools: Uy Siu Bing, Elementary, Baao Elementary School, Baao, Camarines Sur, High School Nueva Caceres Colleges, Naga City, College, University of Sto. Tomas, Manila; Uy Siu Lee, Elementary, Anglo-Chinese School, Naga City, High School, Chiang Kai Shek School, Manila, College, University of the East, Manila; Vicente Uy Magadia, Elementary, Anglo-Chinese School, Naga City, High School, Chiang Kai Shek School, Manila; and Rosita Uy, Hope Christian School (Grade I), Naga City; that said schools are duly recognized by the Philippine government, where Philippine history, government and civics are taught as part of the school curriculum and wherein enrollment is not limited to any particular race or nationality; that he emigrated to the Philippines from China on or about January 10, 1925, arriving at the port of Manila, Philippines, on board the vessel *Susana*; that he has resided continuously in the Philippines for a period of more than thirty years now, and at the City of Naga, Philippines, for a term of one year at least immediately preceding the date of his petition; that he has not heretofore made any petition for citizenship to any court, citing vice-governor Jack Arroyo and Dr. Guillermo Magadia, of Baao, Camarines Sur, whom he proposes to introduce as witnesses during the hearing of his petition;

Wherefore, you are hereby given notice that the said petition will be heard on November 17, 1961, at 8:30 o'clock in the morning in the first branch of this court at the provincial capitol, Naga City.

Let this notice be published, at petitioner's expense, once a week for three consecutive weeks in the *Official Gazette* and in *The Naga Times*, a newspaper edited in the City of Naga, Philippines, and of general circulation in the province of Camarines Sur where the petitioner resides, and that copies of the petition and this notice be posted in a public and conspicuous place in the office of the clerk of this court.

Witness the Hon. Perfecto R. Palacio, Judge of the Court of First Instance of Camarines Sur at Naga City, this 3rd day of April, 1961.

JUSTO V. IMPERIAL

[18-20] Clerk of Court

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF DAVAO
SIXTEENTH JUDICIAL DISTRICT
BRANCH III

NATURALIZATION CASE No. 192.—*In the matter of the petition of LIM TAN, to be admitted a citizen of the Philippines.* LIM TAN, petitioner.

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and the petitioner, Lim Tan, 131 V. de Guzman Street,

Davao City, through counsel Atty. Carlos Dominguez, Jr., and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Lim Tan, who alleges that his place of residence is 131 V. de Guzman Street, Davao City, Philippines; that he is presently a duly licensed commercial broker, and from which he derives an average monthly income of ₱600.00; that he was born on February 15, 1909 in Ching kang, China, and at present a citizen or subject of China, under whose laws Filipinos may become naturalized citizen or subject thereof; that he is married to Hilaria Recalde, who was born in Corelia, Bohol and now resides with him at 131 V. de Guzman Street, Davao City; that they have children, the name, date and place of birth and place of residence of each of said children are as follows: 1. Jovita Recalde Lim, February 15, 1940, Sta. Cruz, Davao, 131 V. de Guzman Street, Davao City; 2. Cesario Recalde Lim, February 25, 1942, Sta. Cruz, Davao, 131 V. de Guzman Street, Davao City; 3. Maria Paz Tan, May 26, 1948, Davao City, 131 V. de Guzman Street, Davao City; 4. Elena Tan, March 18, 1950, Davao City, 131 V. de Guzman Street, Davao City; 5. Zosima Tan, December 26, 1951, Davao City, 131 V. de Guzman Street, Davao City; 6. Lourdes Tan, August 22, 1953, Davao City, 131 V. de Guzman Street, Davao City; 7. Vicente Tan, July 10, 1955, Davao City, 131 V. de Guzman Street, Davao City; and 8. Teresita Tan, October 2, 1957, Davao City, 131 V. de Guzman Street, Davao City; that he emigrated to the Philippines from Ching kang, China in November, 1925, and arrived at the port of Manila, Philippines; that he resided continuously in the Philippines for a term of 35 years at least, immediately preceding the date of this petition, to wit, since November, 1925, in the City of Davao, for a term of one year at least, immediately preceding the date of this petition to wit, since the year 1930; that he is able to speak and write the Visayan, Tagalog and Spanish; that he enrolled his children from the time they reached school age in schools recognized by the government where Philippine history, government and civics are taught, and for the school year 1960, his children are enrolled in the following schools: Jovita Recalde Lim, Immaculate Conception Colleges, 4th year College; Cesario Recalde Lim, Harvardian Colleges, 4th year High School; Maria Paz Tan, Assumption Academy, 1st year High School; Elena Tan, Assumption Academy, 6th grade; Zosima Tan, Assumption Academic, 4th grade; Lourdes Tan, Assumption Academy, 2nd grade; and Vicente Tan, Assumption Academy, 1st grade; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, pontentate, state or sovereignty, and particularly to China of which at this time he is a citizen; that he will reside conti-

nuously in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship; and he cites Edilberto Ocasiones, of legal age, residing at Davao City and Primitivo Tonel, of legal age, likewise residing at Davao City, who are Filipino citizens to appear and testify as his character witnesses at the hearing of this petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 22nd day of December, 1961, at 8:30 a.m.

Let this notice be published at the expense of the petitioner in the *Official Gazette*, for three consecutive issues hereof, and once a week for three consecutive weeks, in the *Davao Sentinel*, a newspaper of general circulation in the city and province of Davao where the herein petitioner resides and let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of this Court.

Witness the Hon. Honorio Romero, Judge of the Court of First Instance of Davao, Branch III this 14th day of March, 1961.

ERIBERTO A. UNSON

Clerk of Court

[18-20]

REPUBLIC OF THE PHILIPPINES

COURT OF FIRST INSTANCE OF NEGROS OCCIDENTAL
TWELFTH JUDICIAL DISTRICT

CIVIL CASE No. 6106.—*In the matter of the petition of JULIAN GOMEZ YAP to be admitted a citizen of the Philippines.*

NOTICE OF HEARING OF PETITION

To the Honorable Solicitor General, Mr. Julian Gomez Yap, Hua Kong Drug Store, Tindalo Avenue, Bacolod City and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Julian Gomez Yap, who alleges that he is a resident of Hua Kong Drug Store, Tindalo Avenue, Bacolod City; that he was born on May 15, 1936, in Iloilo City; that he is a citizen or subject of the Republic of China; that his trade or profession is a businessman in which he has been engaged since the age of seventeen and from which he derives an annual salary of ₱2,000.00; that he is married to Rosita Uy, and has no child as yet; that he has resided in the Philippines continuously since birth, which is now a period of no less than 24 years immediately preceding the date of this petition; that he has never been accused or convicted of any crime; that he has never gone abroad or to China since he was born to the present; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance

and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to the Republic of China; that he has not heretofore made petition for citizenship to any Court of the Philippines and any other country; and that Anastacia Jabaybay and Ireneo Bulfa, all of legal age, Filipino citizen and residents of barrio Lemery, Galatrava, Negros Occidental, Philippines, will appear and testify as his witnesses at the hearing of his herein petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 17th day of November, 1961, at 8:30 a.m.

Let this notice be published at the expense of the petitioner in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Negros Clarion*, a newspaper of general circulation in the City of Bacolod, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Francisco Arellano, Judge of the Court of First Instance of Negros Occidental, this 3rd day of April, 1961.

JOSE AZCONA
Clerk of Court

[18-20]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF NEGROS ORIENTAL
CASE No. 1363.—*In re petition for Philippine citizenship by JAIME SOLANA Y SAMANILLO*

AMENDED NOTICE OF PETITION FOR PHILIPPINE
CITIZENSHIP

To the Honorable Solicitor General and Mr. Enrique Medina, Attorney for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Negros Oriental, by Jaime Solana y Samanillo, who alleges that he was born in Puento Viesgo, Santander, Spain, or that he emigrated to the Philippines from Valencia, Spain on or about the 20th day of March, 1930 and arrived at the port of Manila, Philippines, on the vessel *Leon XIII*; that he is a resident of barrio Hilaitan, Guihulngan, Negros Oriental; that his trade or profession is that of farming, in which he has been engaged since 1930; that he is married; that his wife's name is Paula L. Ducay, who was born in the Philippines; and that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows: 1. Jaime Solana Jr., January 14, 1943, Guadalupe, San Carlos, Negros Occidental, place of residence, Hilaitan, Guihulngan, Negros Oriental; 2. Carmen Solana, July 24, 1946, Guadalupe, San Carlos, Negros

Occidental, place of residence, Hilaitan, Guihulngan, Negros Oriental; 3. Nieves Solana, June 23, 1951, Guadalupe, San Carlos, Negros Occidental, place of residence, Hilaitan, Guihulngan, Negros Oriental; 4. Marylin Solana, June 15, 1952, Guadalupe, San Carlos, Negros Occidental, place of residence, Hilaitan, Guihulngan, Negros Oriental; 5. Roberto Solana, October 20, 1957, Guadalupe, San Carlos, Negros Occidental, place of residence, Hilaitan, Guihulngan, Negros Oriental; 6. Javier Solana, July 23, 1955, Guadalupe, San Carlos, Negros Occidental, place of residence, Hilaitan, Guihulngan, Negros Oriental; 7. Mario Solana, June 4, 1959, Guadalupe, San Carlos, Negros Occidental, place of residence, Hilaitan, Guihulngan, Negros Oriental; and 8. Soledad Solana, September 7, 1937, Panubigan, Canlaon, Negros Oriental; that he has enrolled his children of school age in the following schools: 1. Jaime Solana, Jr., Guadalupe Elementary School on July 1, 1949 until 1951; St. Catherine Carcar, Cebu, on June 1, 1951 until 1954; La Salle College, Bacolod City, on June 1, 1954 until 1957; 2. Carmen Solana, Hilaitan Elementary School on June 1, 1953 until 1954; St. Catherine, Carcar, Cebu, on June 1, 1954 until 1956; 3. Nieves and Marylin Solana, Hilaitan Elementary School and later, at Sta. Rita, San Carlos City, Negros Occidental and now at St. Paul College, Dumaguete City; that he is entitled to the benefit of section 3, Commonwealth Act No. 473 (which reduces to five years the ten years of continuous residence required by paragraph two of section 2 of said Act) for the following reason: Married to a Filipino woman; that he is entitled to the benefit of Commonwealth Act No. 535 (which exempts any person born in the Philippines or has resided thereat for a period of thirty years from the filing of the declaration of intention) for the following reason: Resided in the Philippines for about 31 years; citing Messrs. Pacifico Maquiling and Elpidio Ramirez both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 23rd day of November A. D., 1961, at 8:30 a.m. and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *Bombshell*, a newspaper of general circulation in the province/city of Dumaguete where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Inocencio Rosal, Judge of the Court of First Instance of Negros Oriental, this 6th day of April, in the year nineteen hundred and sixty one.

Attest:
[18-20]

CASTULO V. CABALLES
Clerk of Court

REPUBLIC OF THE PHILIPPINES

COURT OF FIRST INSTANCE OF NEGROS ORIENTAL

CASE No. 1370.—*In re petition for Philippine citizenship by ONG BON KOK alias UY SAE TIN*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Mr. Cristino V. Pinili, Attorney for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Negros Oriental, by Ong Bon Kok *alias* Uy Sae Tin, who alleges that he was born in SayGim, China, or that he emigrated to the Philippines from Amoy, China, on or about the 22nd day of November, 1937, and arrived at the port of Manila, Philippines, on the vessel *S/S Angking*; that he is a resident of No. 62, San Jose Street, Dumaguete City; that his trade or profession is that of merchant and private school instructor, in which he has been engaged since 1958; that he is married; that his wife's name is Angelita L. Lim, who was born in Dagupan, Pangasinan, and now resides at Dumaguete City; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows: Hubert L. Uy Ong, September 27, 1954, Dumaguete City, Dumaguete City; Emily L. Uy Ong, February 18, 1956, Dumaguete City, Dumaguete City; and Amy L. Uy Ong, January 2, 1958, Dumaguete City, Dumaguete City; that he is able to speak and write English, Spanish, Chinese and Cebu Visaya dialect; that he is entitled to the benefit of Section 3, Commonwealth Act No. 473 (which reduces to five years the ten years of continuous residence required by paragraph two of Section 2 of said Act) for the following reasons: Resided in the Philippines for 23 years; that he is entitled to the benefit of Commonwealth Act No. 535 (which exempts any person born in the Philippines or has resided thereat for a period of thirty years from the filing of the declaration of intention) for the following reasons: Having filed the declaration of intention; citing Messrs. Ramon Ponce de Leon and Orlando V. Consing, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 22nd day of December A.D., 1961, at 8:30 a.m.

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *Vanguard*, a newspaper of general circulation in the province/city of Dumaguete where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Macario P. Santos, Judge of the Court of First Instance of Negros Oriental, this 3rd day of April, in the year nineteen hundred and sixty one.

Attest:
[18-20]

CASTULO V. CABALLES
Clerk of Court

REPUBLIC OF THE PHILIPPINES

COURT OF FIRST INSTANCE OF RIZAL

NATURALIZATION CASE No. 602.—*In re: Petition of CHOA SHI alias TSAI CHI TIAN to be admitted a citizen of the Philippines.*

NOTICE OF HEARING

To the Honorable Solicitor General, Choa Shi, *alias* Tsai Chi Tian, 1074 Rizal Avenue Ext., Grace Park, Caloocan, Rizal and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended, has been presented by Choa Shi *alias* Tsai Chi Tian, who alleges that: his place of residence is 1074 Rizal Ave., Ext., Grace Park, Caloocan, Rizal and his former residences were 434 Dasmariñas, 336 Asuncion, 461 Dasmariñas, 958 Dakota and 801 Dakota, Malate, Manila; his occupation is employee of the Chua Chin Lee Sheet Metal Works, with average annual income of P8,794.00, more or less; he was born on June 17, 1917 at Fukian, China; he is a citizen of the Republic of China, under whose laws Filipinos may become naturalized citizens or subjects thereof; he is married to Keng Leng Chiao, born at Amoy, China on October 10, 1923 and resides with him at above address; he has children named Henry, William, Francis, Victor, Joe, Grace Keng and Philip Keng, all surnamed Choa, born on November 12, 1949, March 8, 1951, July 9, 1952, August 2, 1953, September 3, 1955, December 17, 1957 and August 1, 1959, respectively; he arrived in the Philippines from China in 1928, on the vessel *S/S Susana*; he has resided continuously in the Philippines for more than ten years and in the province of Rizal for at least one year, immediately preceding the date of filing of this petition; he has enrolled his children Henry, William, Francis and Victor all surnamed Choa Shi at Phil. Chinese Yok Lin School; he speaks and writes English and Tagalog; and he cites, as witnesses, Messrs. Felisa Q. de Vera and Andres Javier, of legal age, Filipino citizens and residing at 40 Unang Hakbang, Galas, Quezon City and Pangginay, Bigaa, Bulacan, respectively, whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that the said petition will be heard by this Court, in Pasig, Rizal, on December 9, 1961 at 8:30 a.m.

Let this notice be published once a week for three consecutive weeks in the *Daily Mirror*, of general circulation in this province, and in the *Official Gazette*, and be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Eulogio Mencias, Judge of this Court, this 5th day of April, 1961.

BENITO MACROHON
Clerk of Court

[18-20]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL
PASIG, RIZAL

NATURALIZATION CASE No. 605.—*In the matter of the petition of GO KHE BING to be admitted a citizen of the Philippines.*

NOTICE OF HEARING

To the Honorable Solicitor General, Go Khe Bing, No. 138 Cordero Street, Grace Park, Caloocan, Rizal and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended, has been presented in this Court by Go Khe Bing, who alleges that: his place of residence is No. 138 Cordero Street, Grace Park, Caloocan, Rizal; his trade or profession is employee, in which he has been engaged since 1942 and from which he derives an average annual income of P13,000.00; he was born on 1920 in Chuanchou, Amoy, China; he is a citizen or subject of China under whose laws Filipinos may become naturalized citizens or subjects thereof; he is married to Sy Guat Ngo, who was born in Amoy, China and now resides with him at above-address; he has children named Go Wan Ting, Go Chin Ching and Rory S. Go, born on January 1, 1948, October 2, 1953 and February 26, 1961, respectively; he emigrated to the Philippines from China on or about 1936 and arrived at the Port of Manila on the vessel *S/S Angking*; he has resided continuously in the Philippines for a term of 25 years, since 1936 and in Caloocan, Rizal, for a term of one year at least, immediately preceding the date of this petition; he is able to speak and write English and Tagalog; he will enroll his children Go Wan Ting and Go Chin Ching, at Dr. Kwangson Young Memorial School; he has not heretofore made petition for citizenship to any court; and he cites, as witnesses, Messrs. Melecio Arellano, Emilio Reyes and Carlos Fernando, of legal age, Filipino citizens and residing at % Avenue Beverage, 2nd Ave., Grace Park, Caloocan, Rizal, 1407-1409 Juan Luna Street, Tondo, Manila and 142 A. del Mundo, Grace Park, Caloocan, Rizal, respectively, whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that the said petition will be heard by this Court, in Pasig, Rizal, on January 20, 1962, at 8:30 a.m.

Let this notice be published at the expense of the petitioner, in the newspaper, *Manila Daily Bulletin*, of general circulation in this province, once a week for three consecutive weeks and in the *Official Gazette* and be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Eulogio Mencias, Judge of this Court, this 17th day of April, 1961.

BENITO MACROHON
Clerk of Court

[18-20]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL
BRANCH IV (QUEZON CITY)

NATURALIZATION CASE No. Q-5751.—*In the matter of the petition of BENJAMIN UY to be admitted a citizen of the Philippines.*

ORDER

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this court by Benjamin Uy, who alleges that his present place of residence is No. 7 3rd Street, Broadway, Quezon City; and his former residence was Zacateros, Manila; that his trade or profession is that of a Supervisor of the Commonwealth Foods, Inc., Makati, in which he has been engaged since April, 1960 and from which he derives an average annual income of P2,400.00 in addition to which he has an annual income of approximately P3,500.00 a year as dividends; that he was born on the 30th day of September, 1932 at the City of Manila, Philippines; that he is at present a citizen or subject of China, under whose laws Filipinos may become naturalized citizens or subjects thereof; that he is single; that he has resided continuously in the Philippines for a term of twenty-seven (27) years at least, immediately preceding the date of this petition, to wit, since 1932 and in Quezon City for a term of one year at least, immediately preceding the date of this petition, to wit, since the year 1939; that he is able to speak and write English and Tagalog; that he is entitled to the benefit of Section 3 of Commonwealth Act No. 473, which reduces to five years the ten years of continuous residence required by paragraph two of Section 2 of said Act, for the reason that he was born in the Philippines; that he has not heretofore made petition for citizenship to any court; that he cites as witnesses Mr. Sebastian Palanca, Jr., of No. 1202 General Luna, Manila; Mr. Francisco Roa, of No. 1587 Aviles Street, Manila; and Mr. Mariano Cariño, of No. 3447 P.

del Rosario Street, Barrio Obrero, Manila, who are all Filipino citizens whom he proposes to introduce in support his petition; that he has not filed a Declaration of Intention because under the provisions of Section 6 of Commonwealth Act No. 473, since he was born in the Philippines and since he received his primary and secondary education in schools recognized by the Government and not limited to any race or nationality. He is exempted from filing the said Declaration of Intention.

Wherefore, notice is hereby given that said petition will be heard by this Court on the 1st day of December, 1961 at 8:30 a.m.

Let this order be published at the expense of the petitioner once a week for three consecutive weeks in the *Manila Chronicle*, a newspaper edited in the City of Manila and of general circulation in this city, and in the *Official Gazette*, for three consecutive issues, and also let a copy of this order be posted in a public and conspicuous place in the Office of the Clerk of Court.

So ordered.

Quezon City, Philippines, April 12, 1961.

HERMOGENES CALUAG

[18-20] Judge

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL
SEVENTH JUDICIAL DISTRICT
BRANCH V, QUEZON CITY

NATURALIZATION CASE No. Q-5754.—*In the matter of the petition of YEO GUAN to be admitted as a citizen of the Philippines. YEO HAN GUAN, petitioner.*

ORDER

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended, has been presented in this Court by Yeo Han Guan, who alleges that his present place of residence is No. 11 Apo Street, Quezon City, where he has resided since 1957; that his occupation is that of assistant to Foreign Technician of the Manila Paper Mills, and from which he derives a minimum annual income of ₱4,250.00; that he was born in Ngo Na, Chuanchiu, China on the 4th day of July 1933 of parents, who are citizens of the Republic of Nationalist China, under whose laws Filipinos may become naturalized citizens or subjects thereof; that he is single and has resided continuously in the Philippines since his arrival therein on the 22nd day of August 1935 or for a period of at least 25 years immediately preceding the date of this petition; that he has received his primary and secondary education in private schools recognized by the Government and not limited to any race or nationality; that he is at present 28 years of age, of good moral character

and that he is able to speak and write English and Tagalog; that he believes in the principles underlying the Philippine Constitution and has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines and his relationship with the constituted government as well as with the community in which he lives and likewise mingled socially with the Filipinos, and has evinced his desire to learn and embrace the customs and traditions and ideals of the Filipinos; that he is not opposed to organized government or affiliated with an association or group of persons who uphold and teach doctrine opposing our organized government; that he is not a polygamist or a believer in the practice of polygamy; that he has never been convicted of any crime involving moral turpitude; that he is not suffering from mental alienation or incurable disease; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty and particularly to China of which at this time he is a citizen or subject; and that he will reside continuously in the Philippines from the date of the filing of this petition up to the time of his admission to Philippine citizenship; and that he cites Mr. Benjamin Pineda and Mr. Herminio C. Marquez of 2630 Tecson Street, Gagalangin, Manila and Sacristia Street, Malabon, Rizal, respectively, to testify as his witnesses at the hearing of the herein petition.

Wherefore, notice is hereby given that the said petition will be heard by this Court on the 24th day of November, 1961 at 8:30 a.m.

Let this order be published at the expense of the petitioner once a week for three consecutive weeks in the *Manila Chronicle*, a newspaper edited in the City of Manila and of general circulation in this city and the province of Rizal, and in the *Official Gazette*, for three consecutive issues, and also let a copy of this order be posted in a public and conspicuous place in the Office of the Clerk of Court.

So ordered.

Quezon City, Philippines, April 15, 1961.

JUAN O. REYES

[18-20] Judge

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL
BRANCH IV (QUEZON CITY)

NATURALIZATION CASE No. Q-5768.—*In the matter of the petition of DY HONG PIAO to be admitted a citizen of the Philippines.*

ORDER

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amend-

ed, has been presented in this court by Dy Hong Piao, who alleges that his present place of residence is 1-B Albany, Cubao, Quezon City, and his former residence was 48 Dapitan, Quezon City; that his trade or profession is salesman of Dapitan Lumber located at Cubao, Quezon City, in which he has been engaged since January, 1957 with a present monthly salary of P206.00 beginning October, 1960; his total income for 1960 was P3,050.00; that he was born on the 22nd day of October, 1940 in Manila, Philippines; that he is at present a citizen or subject of the Republic of Nationalist China at Formosa, under whose laws Filipinos may become naturalized citizens or subjects thereof; that he is single; that he has resided continuously in the Philippines for a term of over 20 years and in Quezon City, Philippines, since 1957 immediately preceding the date of the filing of this petition; that he is entitled to the benefit of Section 3 of Commonwealth Act No. 473, which reduces to five years the ten years of continuous residence required by paragraph two of Section 2, of said Act, being born in the Philippines and having received his elementary and secondary education at the International Colleges, Manila which school is recognized by the Government and not limited to any race or nationality; that he is exempt from the filing of a Declaration of Intention with the Office of the Honorable,

the Solicitor General, Manila; that he is now 2nd year Civil Engineering student at the Mapua Institute of Technology, Manila for school term, 1960-1961; that he is able to speak and write English and Tagalog; that he has not heretofore made petition for citizenship to any court; that he cites as witnesses Florentino Evangelista of No. 48 Kanlaon, Quezon City; Juan Baranda of 13 Taytay, Maypajo, Caloocan, Rizal; and Miss Consuelo Limson of 1258 V. Concepcion, Sampaloc, Manila who are all Filipino citizens whom he proposes to introduce in support of his petition.

Wherefore, notice is hereby given that said petition will be heard by this court on the 6th day of December, 1961 at 8:30 a.m.

Let this order be published at the expense of the petitioner once a week for three consecutive weeks in the *Daily Mirror*, a newspaper edited in the City of Manila and of general circulation in this city, and in the *Official Gazette*, for three consecutive issues, and also let a copy of this order be posted in a public and conspicuous place in the Office of the Clerk of Court.

So ordered.

Quezon City, Philippines, April 14, 1961.

HERMOGENES CALUAG

[18-20]

Judge

[SECOND PUBLICATION]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF AGUSAN
FIFTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 30.—*In the matter of the petition for Filipino citizenship. FELIPE ONG YEK PIN, applicant.*

NOTICE OF HEARING

To the Honorable Solicitor General, Manila; Felipe Ong Yek Pin, petitioner, Ba-an, Butuan City; Atty. Gabriel R. Banaag, counsel for petitioner, Butuan City; and to all whom it may concern:

Whereas, a petition for Filipino citizenship in accordance with the provisions of Commonwealth Act No. 473, as amended, has been presented by applicant Felipe Ong Yek Pin, who alleges: that his present place of residence is Ba-an, Butuan City, his former place of residence was Ozamis, Misamis Occidental; that he is a businessman-employee with an annual income of ₱7,200.00, more or less; that he was born on September 15, 1928 in Amoy, China, emigrated to the Philippines from Amoy on the vessel *Tungsan* on June 10, 1936 arriving at Cebu City. Since then he resided continuously in the Philippines, formerly in Misamis Occidental and later in Butuan City for more than 10 years; he is a citizen of the Nationalist Republic of China and is married to Boody Siao, now living with him in Ba-an, Butuan City and with whom he has four children namely: Ellaine Ong, born on April 24, 1956 in Cebu City, Winnie Ong, Albert Ong and Herbert Ong, all born in Butuan City on August 20, 1957, April 5, 1959 and March 19, 1961, respectively; that he can speak, write and read in the English language and in one of the principal Philippine languages; he believes in the principles underlying the Philippine Constitution, conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community in which he is living; he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos.

He has all the qualifications required under section 2 and none of the disqualifications under section 4 of Commonwealth Act No. 473. He is not opposed to organized government nor is he affiliated with any association of persons, who adheres to doctrines

opposing organized governments; he is not a polygamist nor a believer in the practice of polygamy, has not been convicted of any crime involving moral turpitude nor is he suffering from any incurable contagious disease. He is at present a citizen or subject of the Nationalist Republic of China to which government the Philippines is not at war and under whose laws Filipinos are granted the right to become naturalized citizens or subjects thereof. It is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to the Nationalist Republic of China of which he is a citizen or subject and will reside in the Philippines from the date of the filing of this petition up to the time of his admission to Philippine citizenship, citing as witnesses Messrs: Godiardo Guillen, Teofilo Montilla, Andres Rubio and Pedro Zapatos, all of age, Filipino citizens and residents of Butuan City and whom he proposes to testify at the hearing of this petition.

Wherefore, you are given notice that this petition will be heard by this Court on November 22, 1961 at 8:30 a.m., at Butuan City, Philippines. Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the newspaper, the *Nueva Era* edited in the City of Manila and of general circulation in this province of Agusan and Butuan City, for three consecutive issues in the *Official Gazette* and, also let copy of this notice be posted in a conspicuous place in the office of the Clerk of Court.

Witness the Hon. Montano A. Ortiz, Judge of this Court, at the City of Butuan, Philippines, this 24th day of March, 1961.

MACARIO C. CONDE
Clerk of Court

[17-19]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF THE CITY OF BAGUIO
SECOND JUDICIAL DISTRICT

NATURALIZATION CASE No. 77.—*In the matter of the petition to be admitted a citizen of the Philippines. PERFECTO TIONG CHEEKIAN (PERFECTO S. TIONG), petitioner.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Attys. Reyes and Cabato, counsel for the petitioner,

Baguio; Mr. Perfecto Tiong Cheekian (Perfecto S. Tiong) No. 14 Rajah Soliman Street, Baguio City; and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court by Perfecto Tiong Cheekian (Perfecto S. Tiong), who alleges among others: that his full name is Perfecto Tiong Cheekian (Perfecto S. Tiong); that his present place of residence is No. 14 Rajah Soliman Street, City of Baguio, since 1940, and his former residence was Manila; that his trade or profession is an employee in which he derives an average annual income of P2,400.00; that he was born on the 18th day of April, 1936, in Manila, Philippines, and is at present a citizen or subject of Nationalist China, under whose laws Filipinos may become naturalized citizens or subjects thereof; that he is single and without any child; that he has resided continuously in the Philippines since his birth in 1936, and in the City of Baguio, for a term of twenty years at least, immediately preceding the date of this petition, to wit, since 1940; that he is able to speak and write English and Tagalog; that he is entitled to the benefits of section 3 of Commonwealth Act No. 473, which reduces to five years, the ten years of continuous residence required by paragraph two of section 2 of said Act, for having been born in the Philippines; that he has all the qualifications required under section 2 and none of the disqualifications under section 4 of Commonwealth Act No. 473; that he has not heretofore made petition for citizenship to any court; that he cites Messrs. Onofre Alabanza and Telesforo A. Tangalin, both of legal age, residents of Guisad, Baguio, Philippines, who are Filipino citizens, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court, at its session hall, Baguio City, Philippines, on the 18th day of November, 1961, at 9:00 o'clock in the morning.

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks, in the *Official Gazette* and the *Baguio Midland Courier*, a newspaper of general circulation in the City of Baguio and Mountain Province where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court of this Court.

Witness the Hon. Jesus de Veyra, Judge of this Court, this 15th day of March, 1961.

FERNANDO R. ROMERO
Clerk of Court

[17-19]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF BOHOL
FOURTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 425.—*In the matter of the petition of NERIO TAN and also known as NERIO (BING) TAN to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Nerio Tan, petitioner, Garcia-Hernandez, Bohol; Atty. Perfecto V. Galido, counsel for the petitioner, Garcia-Hernandez, Bohol, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended has been presented to this Court of First Instance of Bohol, by Nerio Tan also known as Nerio (Bing) Tan, who alleges that he was born in Garcia-Hernandez, Bohol, Philippines on May 12, 1939; that he is actually a resident of Garcia-Hernandez, Bohol and is at present a citizen or subject of the Nationalist Republic of China under whose laws Filipinos may become naturalized citizens or subjects thereof; that he has resided continuously in the Philippines for a term of 22 years at least immediately preceding the date of this petition, to wit: since birth, May 12, 1939 up to the present in the municipality of Garcia-Hernandez, Bohol, Philippines; that he is single; that he is able to speak and write English and the Visayan (Cebuano) dialect which is one of the principal Philippine languages; that his trade or profession is radio technician and salesman of the William Radio & Electrical Supply, Cebu City, from which he derives a yearly income of P3,000.00, that he is exempt from filing the declaration of intention to become a citizen of the Philippines he having been born in the Philippines, continuously residing therein since birth, and having received his primary, secondary and college education in schools recognized by the Government and not limited to any race or nationality and that he cites Messrs. Constancio Ranario and Gaudioso Virtudazo, both of legal age, residents of Garcia-Hernandez, Bohol, and citizens of the Philippines, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on December 22, 1961.

Let this notice be published in the *Official Gazette* for three consecutive issues thereof and once a week for three consecutive weeks in the *Bohol Chronicle* and the *Nueva Era*, newspapers published in Tagbilaran, Bohol and in Manila, respectively, and of general circulation in the said province

of Bohol where the petitioner resides and also let this notice and the petition be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Hipolito Alo, Judge of this Court, at Tagbilaran, Bohol, this 11th day of April, 1961.

FILEMON B. E. ARIAS
Clerk of Court

[17-19]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF BOHOL
FOURTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 426.—*In the matter of the petition of SIMEON LIM to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Mr. Simeon Lim, Tagbilaran, Bohol; Atty. Sulpicio A. Tinampay, counsel for the petitioner, Tagbilaran, Bohol and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended has been presented to this Court of First Instance of Bohol by Simeon Lim, who alleges that he was born in Loay, Bohol, Philippines on the 4th day of January 1927; that he is actually a resident of Tagbilaran, Bohol, Philippines and is at present a citizen or subject of the Nationalist Republic of China under whose laws Filipinos may become naturalized citizens or subjects thereof; that he has resided continuously in the Philippines for a period of 34 years at least immediately preceding the date of this petition, to wit: since birth up to 1938 up to the present in the municipality of Loay, Bohol, Philippines and from 1938 up to the present in the municipality of Tagbilaran, Bohol, Philippines; that he is able to speak and write English and the Cebu-Visayan dialect which is one of the principal Philippine languages; that he is married to Cunegunda Dabalos, who was born in Antequera, Bohol, Philippines on the 3rd day of March 1925 and now resides with him in Tagbilaran, Bohol and has six children whose names and dates of births are as follows: (1) Teresita Lim, July 5, 1949; (2) Carmelita Lim, July 6, 1950; (3) Joseph Lim, January 22, 1952; (4) Inocencio Lim, January 4, 1954; (5) George Lim, April 23, 1956 and (6) Lucia Lim, December 13, 1958, all residing with him in Tagbilaran, Bohol; that he has enrolled his four (4) children, the other two being not of school age yet, in the following schools, (1) Teresita Lim and (2) Carmelita Lim, both in the public primary

school of Cogon, Tagbilaran, Bohol and (3) Joseph Lim and (4) Inocencio Lim, both in the St. Joseph College, Tagbilaran, Bohol; that the above-mentioned schools are duly recognized by the Republic of the Philippines and that said schools are teaching Philippine history, government and civics and that these schools are not established exclusively for the benefit of any particular race or creed; that he is a salesman-collector of the Bohol Times Auto Supply and receives a monthly salary of P200.00; that he is exempt from filing the declaration of intention to become a citizen of the Philippines he having been born in the Philippines and has received his primary and secondary education in schools recognized by the government of the Philippines and has enrolled his children in schools recognized by the government of the Philippines and that he cites Messrs. Francisco Baseleres and Vicente D. Bustrillos, both of legal ages, citizens of the Philippines and both residents of Tagbilaran, Bohol, as witnesses who he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on January 12, 1962, at 8:30 a.m.

Let this notice be published in the *Official Gazette* for three consecutive issues thereof and once a week for three consecutive weeks in the *Bohol Chronicle* and the *Nueva Era*, newspapers published in Tagbilaran, Bohol and in Manila, respectively, and of general circulation in the province of Bohol where the petitioner resides and also let this notice and the petition be posted in a public and conspicuous place in the Office of the Clerk of this Court.

Witness the Hon. Hipolito Alo, Judge of this Court, at Tagbilaran, Bohol, this 23rd day of March 1961.

FILEMON B. E. ARIAS
Clerk of Court

[17-19]

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF BOHOL
FOURTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 370.—*Amended petition of BENJAMIN NG TAN to be admitted a citizen of the Philippines.*

AMENDED NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Benjamin Ng Tan, Tagbilaran, Bohol; Atty. David B. Tirol, counsel for the petitioner, Tagbilaran, Bohol and to all whom it may concern: